VOLUME 2 NUMBER 4 AUTUMN 1999

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

CELEBRATING

IFAR at 30

WITH HIGHLIGHTS FROM Stolen Art Alert

IFAR *Journal*, ISSN 1098–1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue, Suite 1234, New York, NY 10110. Subscription rates are $65 per year. PERIODICALS postage pending at New York, NY 10036 and at additional mailing offices. **POSTMASTER:** Send address changes to the International Foundation for Art Research, Inc., 500 Fifth Avenue, Suite 1234, New York, NY 10110.

© 1999 IFAR, Inc. All rights reserved. No part of the contents may be reproduced without the written permission of IFAR. The opinions expressed by the authors in *IFAR Journal* are not necessarily those of IFAR. Publication of advertisements does not imply endorsement by IFAR.

Editor in Chief: Sharon Flescher
Editor: Kathleen Ferguson
Design: Miko McGinty

International Foundation for Art Research (IFAR)
500 Fifth Avenue, Suite 1234, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

Executive Director: Sharon Flescher
Assistant to the Director: Kathleen Ferguson
Consultant, Authentication Service: Virgilia Pancoast Klein

Research Associates
Clara G. Bronson, Hermine Chivian-Cobb, Paul Crenshaw, Lisa Goldberg, Anne W. Lowenthal, Margaret I. O'Brien, Adrian V. Sudhalter, Gertrude Wilmers

Subscription / Membership Information
Subscriber: $65 (*IFAR Journal* and notices of events)
Overseas subscribers please add $20 for mailing.
Associate (Active Subscriber): $100 plus overseas mailing cost
(*IFAR Journal* and one complimentary admission to an *IFAR Evening*)

Member:	Individual	$250 and above	Corporate	$1,000 and above
Sustainer:	Individual	$500 and above	Corporate	$2,500 and above
Patron:	Individual	$1,000 and above	Corporate	$5,000 and above
Conservator:	Individual	$2,500 and above	Corporate	$7,500 and above
Benefactor:	Individual	$5,000 and above	Corporate	$10,000 and above

Membership support of IFAR, a nonprofit educational organization, is tax deductible to the extent permitted by law. Membership inquiries and payment should be directed to IFAR, 500 Fifth Avenue, Suite 1234, New York, NY 10110

Board of Directors
Jack A. Josephson, Chairman; Arthur G. Altschul, David M. Campbell, David L. Dalva II, Robert C. Graham, Jr., Patricia G. Hambrecht, Theodore N. Kaplan, Leon Levy, Aaron M. Milrad, Bernard Osher, Virgilia Pancoast Klein, Leon B. Polsky, Donald Posner, John P. Richardson, Daniel Shapiro.

Art Advisory Council
Donald Posner, Chairman; Juan Ainaud de Lasarte, Vivian Barnett, Arthur C. Beale, Miklos Boskovits, Dietrich von Bothmer, Jonathan Brown, Margaret Holben Ellis, Linda S. Ferber, William H. Gerdts, E. Haverkamp-Begemann, Michael Heidelberg, Julius Held, David G. Mitten, Kenneth Moser, Priscilla E. Muller, Linda Nochlin, Konrad J. Oberhuber, Theodore Reff, Willibald Sauerländer, Edward V. Sayre, Robert Schmit, Craig Hugh Smyth, Hubert F. von Sonnenburg, Joyce Hill Stoner, Harrie Vanderstappen, Kirk Varnedoe, John Walsh, Christopher J. White

Law Advisory Council
Franklin Feldman, Chairman; Jan M. Boll, W.R.I. Crewdson, Jonny J. Frank, Herbert Hirsch, Barbara Hoffman, Philip C. Jessup, Jr., Theodore N. Kaplan, John B. Koegel, John Henry Merryman, Aaron M. Milrad, James A.R. Nafziger, Daniel Shapiro, Peter R. Stern, Stephen E. Weil

IFAR WISHES TO ACKNOWLEDGE THE JOE AND EMILY LOWE FOUNDATION, INC. AND THE EUGENE V. AND CLARE E. THAW CHARITABLE TRUST FOR THEIR GENEROUS GRANTS IN PARTIAL SUPPORT OF *IFAR JOURNAL*.

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

Greetings: 3
Jack A. Josephson, Chairman, IFAR
Sharon Flescher, Executive Director, IFAR

In the Beginning . . . 8
Background to IFAR: The 1960s
IFAR is born: 1968–69

The Early Years: The 1970s and Authentication Research 11
The First Research Project
The City of Miami Beach Seeks IFAR's Help: The Bass Museum
A Higher Profile

Reminiscences: 14
Elizabeth Burns Meryman
Franklin Feldman

IFAR Shifts Gears: Stolen Art Enters the Picture: 1973–77 16
The Plundered Past
Art Theft Archive: Feasibility Study

Reminiscences: 18
Edwin L. Weisl, Jr.
Bonnie Burnham

IFAR Publications—1979 and later 22

Forgery and Fraud: IFAR's Authentication Service as an Aid to Law Enforcement: 24
The Hartert Case
The Benton Forgeries
The Dalí Forgeries

Reminiscences: 30
Virgilia Pancoast Klein

IFAR Evenings: A Time Capsule 32

IFAR Goes International: The 1980s 34

Reminiscences: 35
Arthur G. Altschul
Constance Lowenthal

IFAR and the Law 38
"New Decisions on Statutes of Limitations; Authentications and Art Thefts"
Franklin Feldman: Reprinted from *IFARreports*, February/ March 1991
"DeWeerth Redux"
Jonathan S. Kaufman: Reprinted from *IFARreports*, May/ June 1994

World War II Restitution Issues: 44
The Eliçofon Case
The Quedlinburg Treasure
Spoils of War

Cultural Property Issues 48

The U.S. Government Comes Calling: 50
The FBI, U.S. Customs, the DEA, and the U.S. Senate

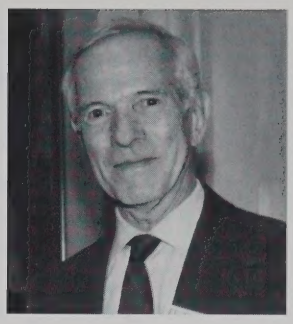
Stolen Art Archive: 52
Computerization: The 1980s
Creation of the ALR: 1991

The Present and Future IFAR: 54
Authentication
The *IFAR Journal*
Programs and Projects

Stolen Art Alert: The IFAR Gallery—30 Years of Highlights 58
Top Ten Unsolved Thefts
Top Ten IFAR-Assisted Recoveries
Some Other Theft Highlights

Greetings

from Jack Josephson, Chairman, IFAR Board of Directors



Although my tenure as a director of IFAR encompasses only a little over a third of its existence, I have shared in many of its adventures and am very pleased to be its current chairman. I was introduced to the organization by my good friend and colleague, the late B. V. Bothmer, a long-term director of IFAR and Lila Atcheson Wallace Professor of Egyptology at the Institute of Fine Arts. He arranged a lunch meeting for me with Connie Lowenthal who, at that time, was the rather new Executive Director. I was instantly attracted to this vivacious person who had little difficulty enlisting me for its board, and also very impressed by then board membership and its art advisory council.

At that time, IFAR was primarily engaged in developing and maintaining a data base of stolen art as well as authenticating problematic works of art, both activities desperately needed by the art world. Additionally, they (really Connie) acted as a clearinghouse for other necessary activities, such as open discussions of the legal problems of title that many collectors were ignorant of. Recently there have been changes—the most substantial being our withdrawal from the stolen art data base business, although we continue to be an important shareholder in the Art Loss Register and support their efforts in our journal. This has permitted us to focus on our new publication, which has rapidly, thanks to our new executive director, Sharon Flescher, who is the editor-in chief, and the editor, Kathleen Ferguson, become an outstanding publication bringing new depths of scholarship to the attention of our members and others. We continue our authenticity project with Sharon, a trained art historian, devoting great efforts to making it into a unique resource for those wishing to have their works examined with the best possible expertise. As much as we miss Connie, we are blessed with Sharon's devotion to IFAR and her special knowledge of art.

We persevere in repositioning IFAR to achieve new goals. We understand our responsibility to be an advocate for the entire art community and will strive to accomplish all that we can with out limited resources. I am very grateful to our newest directors, Professor Donald Posner and Judge Leon Polsky, both of whom have made significant contributions, as well as the others, all of whom have served with distinction. Hopefully, we can continue to attract such talented and able people. My own position, straddling the sometimes colliding worlds of collecting and scholarship, allows me to bring a fairly unique sense of perspective to that often difficult situation. It is my fervent wish that IFAR will referee and articulate a reasoned response to that problem and others that abound in the art market and make it more civilized for those who enjoy the pleasures of collecting.

I end this brief note with a homage to Arthur Altschul, my predecessor and friend, who was a very special chairman and is a gentleman of distinction and culture. IFAR was diminished by his resignation as chairman, although he continues as a valuable director, full of uncommon intelligence and good sense.

Greetings

from Sharon Flescher, Executive Director of IFAR

Milestones are times for looking back as well as forward. IFAR's 30th anniversary comes after a period of change and heralds a vibrant future. It is a privilege to be the Executive Director at such a time and for an organization that has contributed so much to the art world over 30 years.

This special edition of *IFAR Journal*, our new quarterly which has become a labor of love for me as editor-in-chief, highlights some of IFAR's activities over these years. It is remarkable to see how much IFAR has accomplished—despite the fact that it has never had a large staff or budget and lacks an endowment. IFAR derives its strength from its distinguished Advisory Councils in Art and Law and a Board of Directors comprised of leaders from varied corners of the art and business world. In addition, we have been blessed over the years with strong staff leadership, and I am delighted that my two predecessors as Executive Director, Bonnie Burnham and Constance Lowenthal, share their reminiscences on the following pages, as does Elizabeth Burns Meryman, who was Executive Secretary in the years immediately preceding Bonnie Burnham. Thanks are also due to the many other staff members, researchers, and volunteers who have served us so well, from Kathleen Ferguson, my assistant, who is also editor of the Journal, to others whom many of you may remember, including: Margery Torrey Barber, Lynn Stowell Pearson, Anna Kisluk, Nancy Little, Margaret O'Brien, and Virgilia Pancoast Klein (who has also shared her memories in this Journal).

IFAR got its start in the late 1960s after hearings by then Attorney General of New York State, Louis Lefkowitz, revealed the need for a not-for-profit organization separate from the marketplace to help restore public trust in an art world riddled with fakes and frauds. Scholars then—as now—were reluctant to speak out for fear of litigation. IFAR was established as a framework wherein the greatest scholars in the art world could render opinions without fear of legal reprisal about artworks whose authorship was in question. The opinions would come down as those of IFAR. This core activity gave a rationale for many of IFAR's other activities, such as its involvement in art fraud and in catalogues raisonnés.

IFAR's founders were among the giants in the art field—scholars like John Rewald, José Lopez Rey, Harry Bober, and H. H. Arnason. There were also attorneys, such as Joseph Rothman, then Assistant Attorney General of New York. John de Ménil, the distinguished collector and art patron, was the IFAR's first President, and the standards he set have been carried on by, most recently, Arthur G. Altschul (1990–1997) and Jack A. Josephson (1998 to present).

IFAR's Authentication Service still exists, albeit somewhat changed. During this period, IFAR has completed more than 600 full-fledged authentication studies, and reviewed thousands of other works. IFAR has confirmed attributions or uncovered hitherto unknown works by Fragonard, Boudin, Miró, Ruysdael, Bonheur, Léger, and Copley, among others, and de-attributed works by hundreds of other artists, wherever possible outlining its methodology on the pages of this Journal and previous publications. IFAR played a major role in the notorious Dalí print scandal involving the Center Art Galleries in Hawaii in the late 1980s, and Virgilia Pancoast Klein, then Director of IFAR's Authentication Service, testified as a witness for the prosecution. Over the years IFAR's authentication expertise has been sought by, among others, collectors, museums, galleries, and government agencies, including the Drug Enforcement Agency, the FBI, and U.S. Customs.

From its beginnings in art authentication, IFAR enlarged its purview to include broader issues of art law and theft, the activity for which we became internationally known. In 1971, only six months after accepting its first authentication project, IFAR envisioned creating a central file on lost and stolen art. It included this in its long-range plans the following year. In 1973, Karl Meyer proposed in *The Plundered Past*, his pioneering book on cultural property issues, and in related articles, that IFAR become an international clearinghouse for information on stolen art. He believed that we were the ideal organization to undertake that effort. A short time later, The Jerome Foundation offered IFAR a grant to explore the issue. We accepted, although not without some trepidation on the part of some of IFAR's founding scholars, who feared that it might divert IFAR from its scholarly purposes.

Thus IFAR embarked on a journey that lasted for almost 20 years and is detailed in this issue. What should not be lost sight of, however, is that the Stolen Art Archive, later database, didn't "just happen," and the concept was not a given. It required an organization with IFAR's scholarly credibility, stature, and links to the commercial and institutional worlds. It is easy to forget now what resistance there was at the time on the part of the museums, galleries, and collectors to discussing art theft or to revealing confidential information about breaches in security or financial losses. Overcoming that resistance and gathering information was a first and crucial step. In 1974, IFAR launched an ambitious two-year survey of the museum community, followed by a survey of the gallery community to determine the scope of the theft problem and what could be done about it. The study resulted in two IFAR publications: *Art Theft: Its Scope, Its Impact, and Its Control* and *The Index of Stolen Art, 1977*, which listed the first 1500 items entered into the Archive.

IFAR's Archive became the first publicly accessible clearinghouse for information on stolen art. (Those by the FBI, Interpol, and police agencies were not accessible to the public, and the Bulletins circulated by the Art Dealers Association of America were not systematically indexed.) The concept was simple: stolen objects could be entered into the Archive, and potential purchasers could request a search of the Archive to make sure that items offered to them were not on it—an important step toward due diligence. Over the years, the Archive expanded, as did IFAR's role. We developed relationships with Scotland Yard, Interpol, the FBI, U.S. Customs, the Drug Enforcement Agency, and with hundreds of police departments around the country and the world. We set up overseas offices, in Lausanne and in Rome. We developed relationships with dealers' organizations, and, in 1987, the ADAA ceased mailing its stolen art Bulletins and encouraged its members to report items to IFAR. IFAR became the repository of information and the trusted educator on the subject of stolen art. We directed attention to a problem that had not previously been taken seriously by government agencies, the police, or, indeed, the public. IFAR was directly responsible for the recovery of dozens of stolen art objects and indirectly responsible for the recovery of hundreds of others.

But IFAR's role in art theft extended beyond that. Because of IFAR's expertise in art law and its reputation for objectivity, it has been—and will remain—actively involved in "issues" concerning art and cultural property, theft and ownership. Over the years, IFAR has aired high-level debates on controversial legal issues and legislation, such as the UNESCO Convention and UNIDROIT; we filed "friends of the court" briefs in the 1980s against proposed changes in repose legislation affecting stolen art, fearing that it would create a hardship for claimants. IFAR has also focused on "practical" legal issues. One of IFAR's best attended public programs took place in 1984 and concerned proposed changes in the U.S. tax code affecting charitable giving and art collecting. Recently, we held programs on both the IRS and Art and also on Art Insurance.

IFAR got involved early on in the complex moral and legal issues surrounding art looted during World War II, particularly as it involved so-called good-faith purchasers in the United States. The pages of IFAR's publications beginning in 1979 are a veritable history of legislation and news stories regarding the World War II era art issues with which we are still grappling. My predecessor, Constance Lowenthal, was on the organizing committee of the landmark Spoils of War Conference in 1995.

What lies ahead for IFAR? At heart, IFAR is an educational and research organization dedicated to integrity in the visual arts. We are involved with the artistic, legal, and ethical issues concerning art objects—authentication, connoisseurship, forgeries, fraud, provenance, due diligence, title, theft, and other concerns. Now that we are freed from the day-to-day management of the art theft database, administered by our colleagues at the Art Loss Register, we are able to expand our educational activities by publishing guidelines for collectors, developing our website into an informational resource, reaching out to a new audience drawn to art via the internet, refining and marketing the *IFAR Journal* (which already has subscribers in 18 countries), expanding our public programs, perhaps taking them into other cities, and continuing to shed light on controversial and important issues. We plan a major conference/workshop on provenance and due diligence on April 29—in collaboration with NYU—to help guide collectors and professionals. We are playing a larger role in catalogues raisonnés, which raise scholarly and ethical issues that IFAR has grappled with for years. We have been asked by several artists foundations (particularly those of contemporary artists) to help them work out issues regarding cataloguing, documenting, and authenticating bodies of work. I believe we have an important role to play in this arena.

But IFAR has another important role. Because of our diverse constituency, trusted position, and legal and scholarly expertise, we are in a unique position to serve—and, indeed, have done so over the years—as a meeting ground for varied and often conflicting interests in the art world. We offer an objective forum for debate and hope to be a conciliatory force. We remain open to ideas and issues as they arise, and intend our next 30 years to be as significant as the last. Thank all of you for helping to make this possible.

A Tip of the Hat to IFAR's Presidents & Chairmen

1969 TO THE PRESENT

John de Ménil

Franklin Feldman

Harry Bober

Edwin L. Weisl, Jr.

William Bright Jones

Arthur G. Altschul

Jack A. Josephson

IFAR BOARD OF DIRECTORS

Jack A. Josephson, Chairman
Egyptologist

Arthur G. Altschul
Retired Partner, Goldman Sachs; President, Overbrook Foundation; collector and patron

David M. Campbell
Chairman, Tricaster Holdings, Inc.

David L. Dalva II
President, Dalva Brothers

Robert C. Graham, Jr.
President, James Graham & Sons

Patricia G. Hambrecht, Esq.
President, Christie's Inc.

Theodore N. Kaplan, Esq.
Kaplan, Kilsheimer, & Fox

Virgilia Pancoast Klein
Art lecturer; collector

Leon Levy, Esq.
Financier and collector

Aaron M. Milrad, Esq.
Fraser Milner, Toronto; art law attorney; collector; author

Bernard Osher
Chairman, Butterfield & Butterfield

The Honorable Leon B. Polsky
Former Judge, New York State Court of Claims

Donald Posner
Ailsa Mellon Bruce Professor of Fine Art, NYU Institute of Fine Arts

John Richardson
Scholar, author

Daniel Shapiro, Esq.
President, International Cultural Property Society; art law attorney

IFAR ART ADVISORY COUNCIL

Donald Posner, *Chairman*
Juan Ainaud De Lasarte
Vivian Barnett
Arthur C. Beale
Miklos Boskovits
Dietrich von Bothmer
Jonathan Brown
Margaret Holben Ellis
Linda S. Ferber
William H. Gerdts
E. Haverkamp-Begemann
Michael Heidelberg
Julius Held
David G. Mitten
Kenneth Moser
Priscilla Muller
Linda Nochlin
Konrad J. Oberhuber
Theodore Reff
Willibald Sauerländer
Robert Schmit
Craig Hugh Smythe
Joyce Hill Stoner
Harrie Vanderstappen
J. Kirk T. Varnedoe
Hubert F. von Sonnenburg
John Walsh
Christopher J. White

IFAR LAW ADVISORY COUNCIL

Franklin Feldman, *Chairman*
Jan M. Boll
Richard Crewdson
Jonny J. Frank
Herbert Hirsch
Barbara Hoffman
Philip C. Jessup, Jr.
Theodore N. Kaplan
John B. Koegel
John Henry Merryman
Aaron M. Milrad
James. A. R. Nafziger
Daniel Shapiro
Peter R. Stern
Stephen E. Weil

"IN MEMORIAM"

Lawrence J. Majewski

1919–1999

Scholar, Teacher, Chairman Emeritus,
Conservation Center, NYU Institute of Fine Arts

Founding Member, IFAR Art Advisory Council, 1970–1999
Member, IFAR Board of Directors, 1980–1988

We will miss him

IN THE BEGINNING...

Background to IFAR: The 1960s

Several highly publicized art frauds—affecting collectors like Walter J. Chrysler and Algur H. Meadows—rock the art world. Attorney General of New York State, Louis J. Lefkowitz, holds a series of hearings over two years into fraud and other art world problems. The talks result in new legislation regarding artists' rights and dealer warranties protecting collectors. But proposed bills intended to protect "experts" from lawsuits for rendering opinions about the authenticity of art objects or for exposing forgeries do not materialize. No agency or organization divorced from the marketplace exists where the public can turn for authoritative opinions. It is this void that the founders of IFAR hope to fill.

Life Magazine, November 2, 1962

Strange Story of Walter Chrysler Jr. Art Scandal

Colossal Collection of Fakes

The New York Times, December 3, 1965

LEFKOWITZ PLANS ART EXPERT UNIT

Weighs Bill to Give Immunity From Possible Lawsuits in Tests of Authenticity

By MILTON ESTEROW

Attorney General Louis J. Lefkowitz, a self-styled "amateur from way back" in art, is

The New York Times, December 29,1965

Artist or the Public: Who Needs the Protection?

By RICHARD F. SHEPPARD

Louis J. Lefkowitz arrived with the idea of learning how the public might be protected from art frauds and forgeries.

The dozen or so artists arrived with the idea of protecting artists from dealers and

Lefkowitz Aiming to Protect Public, Hears Artists, Hoping to Safeguard Themselves

dealers as vested interests. But, he added, "I like very much the

young they are completely at his mercy."

Mr. Seley, a sculptor and teacher, described the authenticit problem. "It would make your hair stand on end to see some of the forgeries brought to us for consideration. Some sculptures are simply taken off a Victorian lamp base."

The New York Times, December 12 ,1965

Art Notes

Thank You, Mr. Lefkowitz

By GRACE GLUECK

HOW can fake works be chased from the art market? The question—an urgent one these days to art dealers, collectors and fleeced victims—is now disturbing Attorney General Louis J. Lefkowitz, with what may be happy effect. Mr. Lefkowitz and his

The New York Times, May 11, 1967

THE NEW YORK TIMES MAY 11, 1967

Rash of Art Fakes Being Investigated

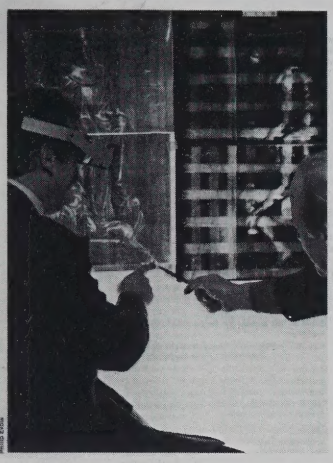
Metropolitan Museum of Art Bulletin, February 1968

The Legal Aspects of Forgery and the Protection of the Expert

DUDLEY T. EASBY, JR. *Secretary of The Metropolitan Museum of Art*

RALPH F. COLIN *Trustee and Vice-President of The Museum of Modern Art, and Administrative Vice-President of the Art Dealers Association of America, Inc.*

Museum News, April 1972



Introducing the International Foundation for Art Research

H. Harvard Arnason

In the spring of 1967, New York State Attorney General Louis J. Lefkowitz called a public hearing, which was attended, primarily, by representatives of museums and academic institutions, lawyers and art dealers, to discuss a problem of increasing importance for the world of the arts: the number of art frauds, spurious paintings or paintings with deliberately erroneous attributions being circulated on the art market. Several notorious cases had recently come to light, and Lefkowitz was concerned with the fact that no agency existed designed specifically to deal competently with this problem.

As a result of this hearing, the Attorney General met privately, on June 23, 1967, with representatives of the five major museums of New York City to discuss possible solutions, and from suggestions made at this meeting, the International Foundation for Art Research was formed in August, 1968.

The Foundation is administered by a Board of Directors whose membership reflects a broad cross-section of the art community: leading collectors, scholars, dealers, lawyers and public officials. The reports of the Foundation are compiled by internationally-recognized art experts who form the Advisory Council.[1] The Foundation is a completely non-profit organization whose Board of Directors serves without compensation. It is designed to assist art museums, individual collectors, community institutions and government agencies in the resolution of questions of authenticity or attribution of works of art that may be in their collections or that may be offered to them as gifts. The Foundation is concerned *solely* with questions of authenticity and attribution and not with matters of evaluation. An example synthesized from cases recently referred to the Foundation might serve to illustrate how the Foundation can be of use to art museums.

During 1971, the Foundation was approached by a representative of a town which had been offered a collection of paintings and other art objects, as a nucleus for a general museum in that community. The size and diversity of the collection made it hard to assess what it would represent in final form. Several of the directors of the Foundation consulted with the town representatives and it was decided that, initially, four or five representative pieces from the collection would be submitted for examination. The first step was to persuade the owner to submit the paintings for examination, as the Foundation considers works of art only at the request of the owner. (The reports of the Foundation are held

[1]Among those who serve on the Council are: H. Harvard Arnason (Chairman), D. Juan Ainaud de Lasarte, Jean Adhémar, Dr. Diego I. Angulo, Dr. Junius B. Bird, Sir Anthony Blunt, Dr. Harry Bober, Bernard V. Bothmer, Dr. François Daulte, Charles Durand-Ruel, Dr. Gordon F. Ekholm, Dr. Horst Gerson, Lloyd Goodrich, Prof. Egbert Haverkamp-Begemann, Michael Jaffe, Daniel-Henry Kahnweiler, Dr. José López-Rey, Prof. Lawrence J. Majewski, A. Hyatt Mayor, Charles Ratton, Dr. John Rewald, Dr. Willibald Sauerländer, Dr. Charles Sterling, Dr. Hanns Swarzenski, Prof. Ellis K. Waterhouse and Prof. Federico Zeri.

The International Foundation for Art Research (IFAR) is Born: 1968–69

Assistant Attorney General of New York State, Joseph Rothman, and several distinguished art scholars, including John Rewald, author of *The History of Impressionism* and *Post-Impressionism*, conceive of a nonprofit organization, IFAR, where scholars, without fear of liability, can offer authoritative opinions about works of art whose authorship is questioned. The opinions would come down as those of IFAR. The organization would be independent of the marketplace, thereby assuring the objectivity of its opinions, and the public would gain access to the expertise of internationally renowned scholars and connoisseurs. Research produced by the organization would advance scholarship and, by extension, help work against fraud.

A Board of Directors is formed, comprising leaders from different sectors of the art world. John de Ménil, art patron and collector, is named President. Incorporation papers are filed in New York State on September 6, 1968; nonprofit status is confirmed by the IRS on January 30, 1969. The Board sets about performing its first—and key—task: creating an Art Advisory Council of international stature, without which the credibility and authority of the organization would not be attained. In 1970, the following press release is sent:

FOR IMMEDIATE RELEASE

NEW FOUNDATION IS CENTER FOR ART RESEARCH

The formation of the INTERNATIONAL FOUNDATION FOR ART RESEARCH, INC., a non-profit organization, was recently announced by its president, John de Ménil. The foundation's purpose is to serve as a bridge between the public and the art world in cases involving the attribution of works of art and other issues of international public concern requiring authoritative information.

Establishing of the foundation was prompted by rapidly growing demands for a center equipped to supply impartial expertise plus technical and scholarly information on works of art involved in issues of substance. Through the foundation's unique structure and organization, experts in their fields will serve on an advisory council, making available to the foundation not only their experience but also documentation and source material which are presently inaccessible to the public. . . .

Board of Directors

President—Mr. John de Ménil
Vice President—Dr. José Lopez-Rey
Vice President—Mr. Ivan Phillips
Vice President & Treasurer—Mr. Louis Goldenberg
Secretary—Mr. Simon Sheib

Dr. Harry Bober
Mr. Douglas MacAgy
Mr. Peregrine Pollen
Dr. John Rewald
Mr. Joseph Rothman
Mr. Stanley Simon

Advisory Council (partial list)

Chairman—Dr. Harry Bober, Avalon Professor of the Fine Arts, Institute of Fine Arts, New York University
Dr. Diego I. Angulo, Director of the Museo del Prado, Madrid
Dr. Junius B. Bird, Curator of South American Archaeology of the American Museum of Natural History, New York
Mr. Bernard V. Bothmer, Curator of Ancient Art and Vice Director of Collections, The Brooklyn Museum, New York
Dr. François Daulte, Director of the Bibliothèque des Arts
M. Charles Durand-Ruel, Durand-Ruel Galleries
Dr. Gordon F. Ekholm, Curator of Mexican Archeology of the American Museum of Natural History, New York
Mr. Lloyd Goodrich, Advisory Director of the Whitney Museum of American Art, New York
M. Daniel-Henry Kahnweiler, Director of the Galerie Louise Leiris, Paris
Professor Lawrence J. Majewski, Chairman of the Conservation Center of the Institute of Fine Arts, New York University
Dr. Willibald Sauerländer, Director, Central Institute for Art Research, Munich
Professor Charles Sterling, Institute of Fine Arts, New York University; Conservateur des Musées Nationaux de France
Dr. Federico Zeri, specialist in Italian painting and author of forthcoming catalogue of Italian paintings in the Metropolitan Museum, and...

Extensive media coverage ensues—*The New York Times*, *Art News*, the *Houston Chronicle*, *Museum News*, radio interviews on WNYC and elsewhere....

The New York Times, May 8, 1970

Art Group Is Set Up To Judge Attribution

By GRACE GLUECK

How many art experts would tell a collector his Caravaggio was a fake? Help the government fight a tax case involving an overvalued painting? Come forward with information about mislabeled works in a city-owned museum?

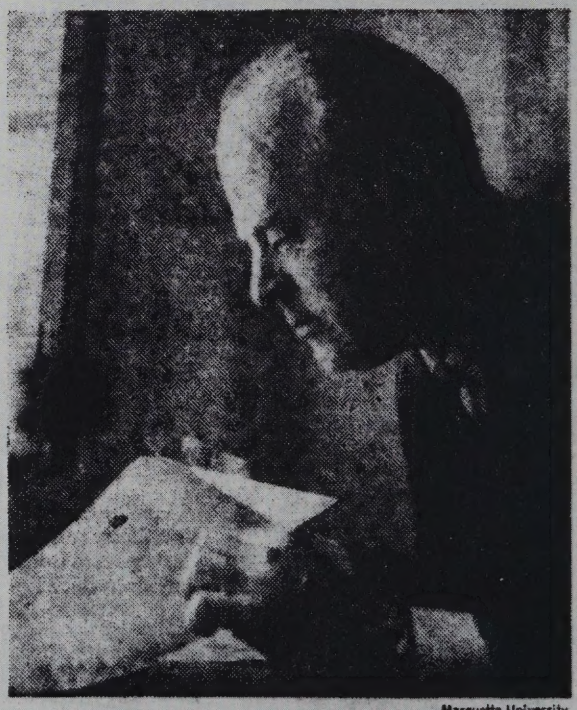
Not many, according to Dr. Harry Bober, a medieval specialist at New York University's Institute of Fine Arts. "They are unwilling to stick their necks out for fear of legal liability, or that their opinions may be misused," he says. "What's more, there's a lack of coordinated information in the field. Questions about disputed works of art are kicked around in catch-as-catch-can fashion by lawyers, dealers, scholars, other experts and such government agencies as the Federal Bureau of Investigation. Until now, there's been no organized body to channel information and impartial expertise."

able to individuals, associations and government agencies. It will also provide an administrative and legal framework within which experts can express their objective opinions.

"We expect to deal with questions of substance as they arise," Dr. Bober explains, "not serve as a shopping guide. I think of us as a court of appeals."

As one example of cases the foundation might handle, he mentioned the recent dispute over the attribution of a Raphael painting acquired by the Boston Museum of Fine Arts. If such a case were submitted to it, the foundation would solicit the opinions of Raphael scholars, conservators, connoisseurs and historians. Its findings would be kept confidential between the foundation and the applicant, although eventually the records would be made available to scholars and "responsible inquirers."

Cases of Misattribution



Marquette University

Dr. Harry Bober of N.Y.U. suggests art experts are often reluctant to call a fake a fake because of legal liability.

applicants a fee representing Members of the founda-

THE EARLY YEARS

The 1970s and Authentication Research

Press coverage brings IFAR its first authentication inquiries in the summer of 1970. Over the next two years, IFAR receives 85 authentication inquiries from individuals; two authentication inquiries from city museums; and one from a university, the latter three concerning entire collections. The Advisory Council selects the most significant projects to research. In addition, IFAR's expertise is called upon twice during this period by the IRS, as well as by two different District Attorney's offices.

Allegorical Portrait of a Young Woman: Mlle Madeleine Guimard. Oil on canvas. J. H. Fragonard. IFAR Authentication #70.1

THE FIRST RESEARCH PROJECT

The very first authentication project IFAR undertakes is submitted by a collector's estate. It consists of a group of 10 paintings whose authenticity was questioned by the IRS. Painting number one (recorded by IFAR as #70.1) is submitted with an attribution to Jean Honoré Fragonard. As with all paintings in the early years, the oval portrait of an allegorical female figure (Mlle. Marie Madeleine Guimard) undergoes x-ray and ultraviolet examination and is also studied by scholars, whose names, per procedures in the early years, are not revealed. IFAR concludes that although the work was "extensively restored and enlarged at the edges…this [did] not affect the validity of an attribution…to Fragonard. The flowing composition, the free and rather thin handling of the paint [described elsewhere in the report as "indifferent" although perfectly characteristic], the subtle high-keyed palette, all recur in typical works of the artist in the 1770's."

Not all the works from the estate fare as well. Several turn out not to be by the artist to whom they were initially attributed.

THE CITY OF MIAMI BEACH SEEKS IFAR'S HELP—THE BASS MUSEUM

In 1971, IFAR takes on an authentication project that justifies its very existence. The City of Miami Beach, Florida, embroiled for years in a controversy over a large private collection donated to it but whose authenticity was questioned, comes to IFAR for help.

Adoration of the Magi, oil on panel. Submitted to IFAR by the City of Miami Beach. Determined not to be by Peter Paul Rubens.

The collection belonged to New York financier, John Bass. Rumors about mis-attributions and fakes among the Bass collection circulated in the art world throughout the 1960s. In 1962, Mr. Bass attempted to sell his collection at auction at Parke-Bernet in New York, the predecessor to Sotheby's. But because of doubts surrounding the collection, Part I of an intended two-part sale proved disastrous, and Part II never took place. The following year, Mr. Bass donated the remainder of his collection to the City of Miami Beach to create a museum bearing his name. But the rumors persisted, led by a very public and, in retrospect, very courageous stand of the Art Dealers Association of America, which noted that the collection "comprise[d] the most flagrant and pervasive mislabeling by a museum known to this Association." Mr. Bass threatened a lawsuit against the ADAA, and a battle for public and political opinion was waged.

In 1971, the Miami Beach City Council turns to the newly-created IFAR for impartial expertise to resolve the dispute. After much negotiation, including IFAR's agreement to allow Miami Beach to make the research findings public, IFAR accepts five of the works, two with attributions to Rubens, two to Rembrandt, and one to El Greco. Of one of the Rubens, an *Adoration of the Magi*, which IFAR subjects to x-radiograph, x-ray diffraction, and pigment analysis, in addition to study by several Rubens scholars, whose names, again, are kept confidential, one scholar writes:

> On the basis of the x-radiograph, there was no similarity to Rubens' technique, or that of his school, in the underpainting. Moreover, the careful drawing, visible beneath the paint film, and the thin, miniature-type of brush stroke and exceedingly labored and careful rendition of the surface painting were also not characteristic and would not in any way suggest an attribution to Rubens.

A year later, the City of Miami Beach closes the Bass Museum of Art temporarily to purge it of the mis-attributed and fake works.

The New York Times, October 1, 1969

36 L+ THE NEW YORK TIMES

Museum Challenged Anew on 'Fakes'

By GRACE GLUECK

The Art Dealers Association of America has told the city of Miami Beach that "an undue proportion" of art works in the city-owned Bass Museum are either "grossly overattributed or outright fakes," and has backed up its charges with detailed analyses.

The association, which is based in New York but is composed of 70 prominent dealers throughout the country, says that the museum's collection, given to the city in 1963 by John Bass, a retired sugar executive, and Mrs. Bass, is "grossly overvalued" at the $7,582,700 appraisal procured at that time by city officials.

In a letter to Mayor Jay Dermer, Ralph F. Colin, the association's administrative vice president and counsel, charges that "out of a total of 53 works for which claims to importance are made in the field of Old Masters, 35 or 66 per cent are subject to question; and in the modern field, 10 out of a total of 24 works, or 41 per cent are wrongly attributed or outright falsifications."

Given With Conditions

The association's charges represent its latest salvo in

not by Vermeer." The picture is one of a group put up by the Basses at a 1962 Parke-Bernet auction. It was bought back by the owner.

Among the modern works questioned in the letter is an untitled Picasso pastel. Although it is included in the definitive Zervos catalogue of Picasso's works, the association submitted a photograph of the pastel to Picasso himself. The artist returned it with his signature crossed out, and the word "faux" (French for "false") written under it.

Removal of 'Fakes' Sought

The letter goes on to note that "many works exhibited in the Bass collection merit their attributions and in themselves are worth exhibiting for their artistic, historical and educational value." But it ends with the recommendations that the "outright fakes" be removed from public exhibition, that "over-attributed" works be relabeled, and that "the administration and control of the museum be placed in the hands of trained and competent professional museum personnel."

Reached by telephone yesterday, Mayor Dermer said:

The New York Times, May 6, 1972

Miami Beach Closes Controversial Bass Museum

By GEORGE VOLSKY
Special to The New York Times

MIAMI BEACH, May 6—The Miami Beach City Council, by closing the John Bass Art Museum last week, has moved to "settle once and for all" the most unhappy over what is called here the Bass Museum affair, applauded the action.

At issue is the authenticity of many West European paintings that are part of the collection.

Donating it to the city in refurbished an old library into a museum, named it after the donor and, under a contract, gave Mr. Bass absolute control of over the museum's affairs.

To date, the city has spent more than $700,000 on the paintings were stirred also by information that Mr. Bass, who, according to Mrs. Dobrin, acquired the collection in Europe, had tried unsuccessfully to sell it in New York in April, 1961.

In its September, 1969, re-

The New York Times, May 8, 1972

ART EXPERTS COME TO AID OF MUSEUM

Offer Bass Services to Help Authenticate Collection

Special to The New York Times

MIAMI BEACH, May 9—The City administration is receiving assistance from art experts in

A HIGHER PROFILE

By 1973, IFAR's reputation is established. The Art Advisory Council, enlarged and truly international, includes many of the greatest scholars in the world. On March 13, 1973, IFAR presents a "Progress Report to the Art Community" at the Frick Museum. Members of the Art Advisory Council describe results of three years of authentication research, highlighting not only mis-attributions, but several outright forgeries. Dr. Harry Bober, Avalon Professor in the Humanities at the NYU Institute of Fine Arts and Chair of IFAR's Art Council, describes two paintings researched by IFAR—one attributed to Corot, another to Childe Hassam—which, under infra-red examination, turn out to bear the same forger's signature: "Simon." Two months later, in May, IFAR publishes its first newsletter.

In 1974, the New York State Council on the Arts (NYSCA) establishes a funding category enabling small museums to avail themselves of IFAR's authentication services. Several do, including the Heckscher Museum on Long Island, which submits ten paintings with initial attributions to, among others, Van Dyck, Courbet, Tiepolo, and Murillo.

IFAR examines a painting, 1970s. Left to right: Prof. Harry Bober, Chair, IFAR Art Council; David Vance, Pres., Museum Computer Network; Prof. Larry Majewski, Chair, NYU Conservation Center; J. Carter Brown, Director, National Gallery of Art.

BULLETIN

INTERNATIONAL FOUNDATION FOR ART RESEARCH, INC.

654 MADISON AVENUE, NEW YORK, N. Y. 10021 • (212) 751-1520

Volume 1, Number 1 May, 1973

A PROGRESS REPORT TO THE ART COMMUNITY

Formed five years ago, largely at the suggestion of the Attorney General of the State of New York, who sensed the need for an impartial group of art experts to deal with the authentication of works of art, the Foundation has quietly emerged on the art scene to provide a much needed service to collectors, museums, universities, municipalities, and others interested in obtaining the most reliable information presently available about a work of art. Perhaps its emergence has been too quiet for, so far, the extent of its work has only been known to a small segment of the international art world.

Meeting at Frick Collection

Against this background, on March 13, 1973, the Foundation presented its first report to the art community at the Frick Collection. Among those who attended the meeting were representatives of government agencies, museums, scholars, dealers, lawyers and collectors. Three members of the Foundation's Board of Directors, provided a summary of various aspects of the Foundation's actions. Franklin Feldman, President, outlined its legal structure, its tax exempt status, its efforts at recruiting its outstanding Advisory Council, and its objective of providing a legal framework in which experts could freely provide opinions with reasonable assurance of immunity from litigation.

Identifying a Forger

Dr. Harry Bober, Avalon Professor in the Humanities at New York University's Institute of Fine Arts, detailed several case histories. In one instance, a painting whose attribution to Corot was under investigation was found to have three signatures—including that of the forger. When the picture was examined under infra-red light, the signature of the original artist, Armand Bouffa(z), was revealed. In addition, the forger had signed his own name, Simon, in the lower right hand corner, and then painted over it the well-known signature of Corot. Dr. Bober explained that the examining experts' greatest excitement came from the fact that they were already familiar with another painting with two layers of signatures, both forged. Under the visible signature of Childe Hassam was that of Renoir with the same forger's name, Simon, beside it. Not only was a work of art properly attributed, but further evidence was amassed in establishing the identity of a forger.

Service to Museums

H. Harvard Arnason, Trustee of the Guggenheim Foundation and noted art historian, explained the way in which the Foundation's services can benefit museums with limited staff and facilities. A question period followed.

Comment of Attorney General's Office

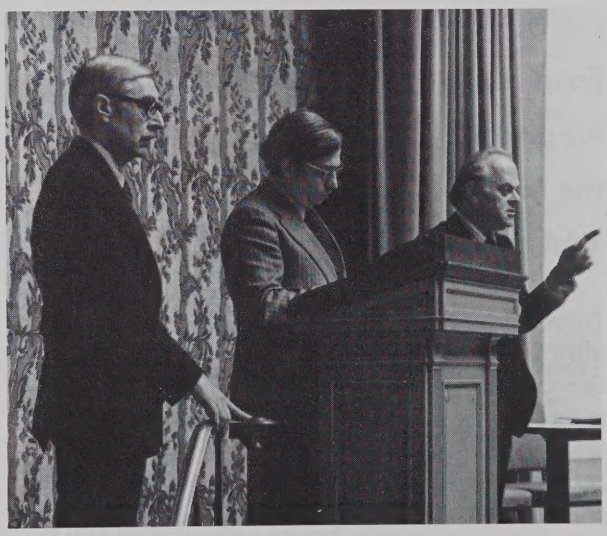
In a subsequent symposium held by The Association of the Bar of the City of New York, Mr. Palmer B. Wald, Assistant Attorney General of the State of New York, specifically referred to the formation of the Foundation as one of the significant contributions of that office.

The Foundation has now reached a point where it is recognized as an organization whose facilities can provide the independence and

(Continued on page two)

In conversations after the meeting: Joseph Rothman, Franklin Feldman and Hanno D. Mott, lawyers, and Edgar Munhall of the Frick Collection.

Bulletin: International Foundation for Art Research, May 1973—IFAR's first newsletter.



H. H. Arnason, Franklin Feldman, and Harry Bober (left to right) at IFAR Presentation to the Art Community, March 13, 1973.

Reminiscences

from Elizabeth Burns Meryman

Executive Secretary, IFAR, 1974–79

I was introduced to IFAR by Marjorie Torrey, IFAR's first Executive Secretary, whom I had met through a mutual friend. We shared many interests in the arts, and I remember being fascinated by the mere existence of such an organization—one dedicated to the authentication and attribution of works of art. That premise seemed quite visionary at a time when access to impartial expertise was more problematic than it might be today.

It was indeed impressive and remarkable that scholars of such stature—most of them legends in their own time—gave so willingly of their time and expertise in the belief that all fine artworks should receive fair consideration, not only masterpieces.

Working in such close association with this group was a unique experience—to watch the discerning eye at work with an intuition which went way beyond scholarship as I had always known it...And that humor and wit could also be a part of this process was an unforgettable lesson. Through these experiences with, among others, Harry Bober, John Rewald, and Larry Majewski, I saw artworks cherished as living beings, and I really came to understand about "seeing."

from Franklin Feldman,

President, IFAR, 1972–76; Member of the Board, 1971–96; Current Chair, IFAR Law Advisory Council

There was much passion in the early years. It all started when Joseph Rothman, who was an Assistant Attorney General in the office of New York's Attorney General and a serious evening and weekend painter, persuaded Louis Lefkowitz, the Attorney General, and the New York State Legislature[1] that a statute was needed to provide statutory protection for purchasers of art who may have received representation from a dealer that a work was by artist X—and it turned out not to be the fact, at least in the opinion of an "expert." Regardless of the beneficial purpose of the statute, it could not, however, reach the fundamental issue of whether one could find an "expert" willing to express an opinion. There was considerable concern that rendering an opinion was a hazardous business. Experience demonstrated that providing an opinion—whether solicited or not—could result in litigation against the expert, and even, if victorious, meant substantial legal fees and expenditure of time. No fee could justify the risk that could be taken. And no statutory or common law privilege for the expert existed or was likely to be created.

Rothman saw another approach as the appropriate solution. He visualized the possibility of a separate non-profit entity which could combine accepted scholarship in a variety of disciplines with a legal framework which would seek to limit the ability of disappointed applicants—or third parties—to seek legal redress against the experts. In a period of three years, he, together with others, was able to recruit a Board of Directors and an Advisory Board of art scholars to form such an organization. On September 6, 1968, a Certificate of Incorporation was filed in New York for the International Foundation for Art Research, Inc., and its status as a public charity was confirmed by the Internal Revenue Service in January 1969. Its key stated purposes were to serve "as a comprehensive center of informational research, useful to persons interested in the collection of art" and to make "available documentation and other source material gathered from scholars, art historians and other experts with respect to works of fine art of all kinds."

The initial incorporators were Rothman, John Rewald (the authority on Impressionism and Post-Impressionism), Simon Scheib (a lawyer who was an executive with Avnet, Inc.) and Stanley Simon, of Stanley Simon Associates (a public relations firm). Soon thereafter a Board was formed consisting of Rothman, Rewald, Louis Goldenberg, the President of Wildenstein, José Lopez-Rey, the authority on Spanish art, Douglas MacAgy, then with the National Endowment of the Arts and later with the Smithsonian, Harry Bober, authority on Medieval manuscripts, and also the Avalon Foundation Professor of the History of Art and the Chairman of NYU's Institute of Fine Arts, Peregrine Pollen, the President of Parke-Bernet, the predecessor of Sotheby's, and Ivan Phillips, a Montreal attorney and art collector. Shortly thereafter other prominent art figures joined the Board, including H. Harvard Arnason, the noted author on modern art, Horst Janson, the author of the leading art textbook, and Jacques Lindon, the President of Knoedler's.

Almost immediately the Board started assembling an Art Advisory Council, comprised of the most eminent and respected scholars. It was this Council which would insure credibility to the organization with respect to the opinions it would render, the key function of the work of the organization.

One of its first decisions was to elect a President. John de Menil was selected, and he took office in May 1969. Menil, from the Houston family of art collectors, was a Trustee of the Museum of Modern Art and well respected in the art community. Although he lived in Texas, he attended a number of Board meetings and helped drum up support for the organization. Unfortunately, because of commitments in Texas, he resigned two years later.

At about that time, I was invited to attend the Board's meetings. As the then Chairman of the Art Committee of the Association of the Bar of the City of New York it was presumably thought that my presence would lend some legal credibility to the organization. After attending a few meetings of the Board, Louis Goldenberg called to ask if I would be the President. After determining that my law firm had no objection, I accepted.

I had previously attended a number of meetings of financial companies and usually found them prearranged, tiresome, and frankly boring. This was not the case with IFAR Board meetings. Very little was prearranged. Strongly held views and respect for colleagues was the common thread among the Board members. The key issue which permeated most of the meetings was whether the organization should consider taking on a request for authenticity. Was the issue presented sufficiently serious to justify the time and effort of the organization? It was the clear consensus that any request to determine if grandpa's attic painting was authentic did not justify the use of IFAR's collective expertise.

Two more issues were early decided, to wit: (1) that the name of the experts used by IFAR would not be disclosed;[2] and (2) at least two, and preferably three experts were to be consulted before rendering an opinion, one of which should be a technical one through the use of the latest technological developments. The final opinion was to be that of IFAR and not any individual experts.

So much for the good news. The other news was that the organization required funding, and this meant appeal to the public for support. Although the organization was an Internal Revenue Code Section 501 (c) (3) organization—which provided a full deduction for contributions—obtaining the contributions was difficult, to say the least.

One person who was critical to IFAR was the first Executive Secretary, Margery Torrey. My first recollection of Margery, who became a friend, was her desk. It was clear except for *The Social Register*. I soon realized that Margery knew, or was comfortable with, a good deal of the social network in New York which could provide access to potential contributors. Further, in her quiet, dignified way, she was able to mollify any abrasive relationships that might develop among members of the Board, the Advisory Board, or the clients.

When Margery left New York to marry John Barber—who had bought a ranch in Wyoming—she was succeeded by Elizabeth Burns (now Elizabeth Meryman) and thereafter by Bonnie Burnham, who became IFAR's first Executive Director. Margery never lost her interest in the arts. Shortly before her death some years ago, she was awarded the Art Medal of Wyoming for her services there to the art community.

A significant development occurred a few years after IFAR's founding. An article appeared in *The New Yorker* magazine by Karl Meyer on the spoliation of artistic treasures from less developed countries, which was related to his 1973 book, *The Plundered Past*. In the article, there was a mention of IFAR. The article was read by A. A. Heckman, the Director of the Jerome Foundation in Minnesota, who telephoned to inform me that one of the interests of his organization was stolen art. He asked whether we would be willing to enter the field. Our cash balance was in extremis. Although there was some disagreement among the Board members as to whether we should enlarge our scope to include stolen art, the decision was made in light of our precarious financial situation to submit a grant request. A grant for $100,000 was approved. And thus began the IFAR Stolen Art Archive.

From that moment, IFAR became a different organization. It was now in the business of stolen art as well as rendering opinions on the authenticity of art. For more than fifteen years the Stolen Art Archive was nurtured and developed by IFAR until, as a result, it caught the attention of some very enterprising Englishmen who conceived the idea of the Art Loss Register, as a proprietary organization, which would have the financial wherewithal to develop a sophisticated computer base. Sensing that a viable relationship could be established between the two organizations, the Art Loss Register, over a period of years, succeeded to the Stolen Art Archive founded and developed by IFAR. But that is another story.

1 In 1966, Rothman drafted the statute which imposed liability on art dealers and auctioneers who had made warranties in the sale of fine arts. This statute, which became a pattern for other states, is now contained in New York's Arts and Cultural Affairs Law.

2 Over the past thirty years, no successful lawsuit has been instituted against IFAR for the opinion it delivered. Only one suit was filed approximately twenty five years ago, which demanded the disclosure of the expert, but the suit was promptly withdrawn by the plaintiff without any liability or disclosure by IFAR. It should be noted that the initial policy of non-disclosure of names of experts was changed. For a number of years the policy has generally been to disclose the names of the experts used. It was felt that such disclosure added credibility to the opinions rendered.

IFAR SHIFTS GEARS

1973–77
Stolen Art Enters the Picture

THE PLUNDERED PAST

In the 1970s, the art market has a new problem on its hands: theft and the looting of antiquities, both of which relate to skyrocketing art prices. In 1970, the UNESCO Convention, ratified by the U.S. and more than sixty other countries, calls for international cooperation in controlling the flow of looted antiquities. It will be thirteen years, however, before the U.S. passes the implementing legislation to enforce the Convention. In 1971, IFAR's Board raises the possibility of creating a central file on stolen art and mentions it the next year in its long-range plan. In 1973, Karl E. Meyer publishes *The Plundered Past*, and in it suggests this new role for IFAR:

> A non-profit body with a distinguished and unpaid Board of Directors, the Foundation [IFAR] has as its major purpose the gathering of information on controversial works of art that are brought to it for examination. It could, in theory, evolve into a multi-national clearinghouse for the exchange of computer data, or of descriptions of lost, stolen, or plundered art. The Foundation's aims are as widely applauded as they are indifferently supported.

IFAR publishes an article by Mr. Meyer in its May 1973 *Bulletin*, where he repeats the suggestion:

> **Karl E. Meyer, *IFAR Bulletin*, May 1973**
>
> If one point has become clear to me in three years' research on the destruction of art and antiquities, it is that more information is the single most vital need in the entire preservation field. Take, for example, the problem of art thefts. Such thefts are routinely reported in the country in which they occur, but whether news of such robberies appears in the American press depends largely on whether typographic workers need a "filler" to add at the bottom of a story to make up a page.
>
> News of foreign thefts is usually a one or two paragraph wire-service item. Since art thefts are by now a daily occurrence, this means that the appearance of these items is chiefly a matter of typographic happenstance. About a decade ago, Dietrich von Bothmer, curator of Greek and Roman art at the Metropolitan Museum, was approached by two Italians who offered to sell him the famous Ephebus of Selinunte in Sicily. Dr. von Bothmer incredulously refused the offer, saying the bronze figure was Sicilian property—and three weeks later he saw a small press item reporting that the Ephebus had been stolen. At no point was the Metropolitan officially notified of the theft, and if the curator had not seen the item—and if the item had not been used as "filler" copy—he would not have been able to contact Italian police with a report on the strange offer made to him.
>
> While it is true that Interpol...send out circulars on major art thefts, these circulars go to a restricted audience of national police forces and leading dealers. There are no international bulletins on art thefts; there is no clearing-house for such information. One result is that most people are unaware of the scale of the problem, simply because of the paucity of *information.*
>
> It seems to me that one possible direction of future development for the International Foundation is to help create just such a privately-endowed clearing-house. We need a specialized bulletin which would provide a comprehensive monthly report on what has been stolen. We need statistics on the number of thefts. We need information.
>
> Surely it is unconscionable that the great art of the world should be brazenly pillaged by thieves who know all too well how slowly information circulates about the works they steal. Ideally, there should be a local correspondent in every art-rich country who could instantly transmit news of a theft to an international center, where information could be distilled in a monthly bulletin, preferably published in three or four languages. The idea, at the very least, is worth investigation as the Foundation continues to consider its future role.

ART THEFT ARCHIVE: FEASIBILITY STUDY

Excerpts from *The Plundered Past* are published in *The New Yorker* and are read by The Jerome Foundation in Minnesota, which offers IFAR a grant of $100,000 to

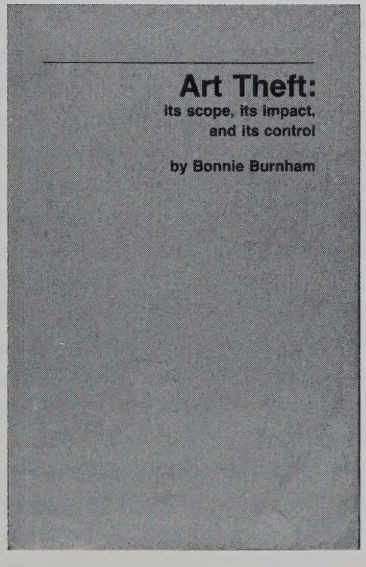
explore the feasibility of establishing a clearinghouse for information on stolen art. The scholars on IFAR's Board are hesitant, fearing it will detract IFAR from its primary, scholarly purposes. But the size of the grant, given the fundraising difficulties IFAR has faced since its inception, are too large to ignore. IFAR accepts, and a new phase in its history begins.

IFAR hires Bonnie Burnham, already an authority on art theft, as a consultant to spearhead the theft project. The Art Theft Archive feasibility research takes three years; the results are incorporated into a study of international art theft published by IFAR in 1978: *Art Theft: Its Scope, Its Impact, and Its Control.* In it, IFAR analyzes its two-year (1976–77) feasibility survey of North American museums and a related smaller survey of the gallery community. The survey's purpose is to determine the scope of the art theft problem in North America , where by general accounts it is less severe than in Europe, and also to determine whether the art community would support a central archive for information on stolen art. The results convince IFAR to proceed. Below are highlights from the study:

Museum Survey:

Questionnaires were sent to 271 U.S. and 12 Canadian museums; 85% replied

- 75% of respondents had experienced a theft within the previous 5 years
- In 76% of the theft cases, the thieves were not caught
- 80% of respondents supported the idea of an archive for reporting art thefts
- 60% also noted the archive's potential usefulness as a means of verifying acquisitions.
- Only 1 museum outrightly rejected the idea of a central archive
- 49% expressed a willingness to send information about past thefts immediately to the Archive; others wanted assurances of confidentiality or to wait until the Archive was established



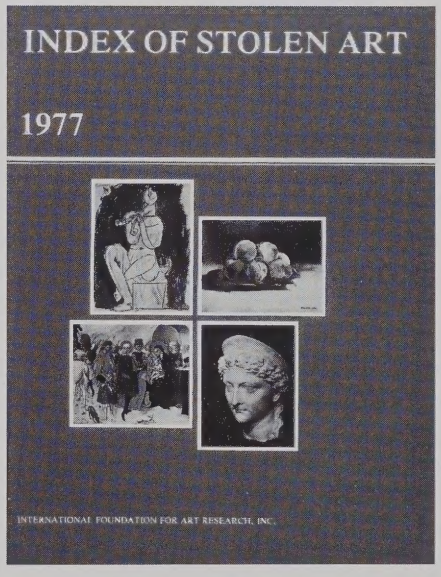
Gallery Survey

307 galleries were polled; 21% responded

- 72% of respondents had experienced a theft
- 41% of the thefts occurred during visiting hours
- 60% of respondents would willingly supply information to the Archive
- 73% of respondents thought an Archive useful as a reporting center in event of theft
- 65% thought an Archive useful as a means of checking on or reporting objects suspected to be stolen

On the basis of the survey, IFAR establishes the Art Theft Archive in 1977. The Archive serves both as a center to which information about art thefts can be reported, and as a clearinghouse where the theft status of an object can be researched. At the end of its first year, IFAR publishes the *Index of Stolen Art, 1977,* listing all the stolen works registered. It includes 400 theft incidents comprising 1,500 objects.

The following year, Bonnie Burnham becomes IFAR's first formal Executive Director. Edwin L. Weisl, Jr., an attorney, art collector, and former Assistant Attorney General of the U.S., becomes IFAR's new President.



Reminiscences

from Edwin L. Weisl, Jr.

President, IFAR, 1977–84

Pleased as I am to have been associated with the International Foundation for Art Research in its early days, I am even more pleased to see the great and successful expansion of its activities in recent years.

IFAR has always been dedicated to integrity in the visual arts. Thus whether art be stolen, forged, or misattributed, damage has been done to the whole concept of art.

IFAR in its activities in combating art theft, fraud, and incompetence has made a valuable, and perhaps, the only contribution thereto.

Its excellent journal is the best source of information on forgery, attribution, and art law. It also continues to be the best source on art theft, not withstanding the newly formed Art Loss Register, which after all was established largely due to IFAR's efforts.

I salute IFAR and look forward to its future sterling efforts.

from Bonnie Burnham

Executive Director, IFAR, 1978–84

IFAR'S ART THEFT ARCHIVE: DOCUMENTING THE NEED

It is difficult, if not impossible, to find one's way back to the moment in time when IFAR began its study on stolen art, and perhaps more difficult to realize what an ambitious task it was at the time. Almost twenty-five years have since passed, and this has been a time of dynamic change in the art world. The art market has flourished, crashed, and climbed back; museum "blockbuster" exhibitions have reached a peak of size, sophistication, and cost that has resulted in a certain scaling down and a renewed focus on interpreting permanent collection holdings to the public; claims for restitution and recovery dating back to World War II have been reopened and pursued avidly by former owners and national governments; holders of World War II 'loot' have been prosecuted and threatened with jail terms, even if they did not participate in the original theft of this material. In short, the last two decades have been a time of unprecedented growth during which legal and professional practices surrounding the arts have evolved tremendously to keep pace with changing circumstances, and a time when celebrated precedents have set and reaffirmed the rule for the law and the ethics of the field. In 1975, when IFAR began its art theft study, these trends were just beginning and the art world had not developed a response to them. In fact, in relation to issues like theft and what to do about it, much of the field was in a state of denial.

> "The potential users of such an archive were far from convinced that they should cooperate."

IFAR was a young organization, interested in related issues of authenticity and proper attribution. When theft of art exploded, as it did in the early 1970s with highly publicized museum robberies all over Europe and America, IFAR was in a position to look at the problem and try to do something about it, in the public interest. A friendly reference to IFAR in Karl Meyer's book *The Plundered Past*, reproduced in an article in *The New Yorker*, attracted a handsome grant

of $100,000 from the Jerome Foundation for IFAR to move ahead with its proposed idea to establish an archive of stolen art objects. But the task itself would be indirect. As IFAR soon learned, the principal contributors to and potential users of such an archive were far from convinced that they should cooperate. Before the idea could be put into practice, IFAR had to establish confidence across professional sectors that normally had nothing to do with each other.

IFAR began its theft program in the form of a feasibility study. Over a period of two years, information was gathered from museums, art dealers, law enforcement agencies and the insurance industry. The report on this study, published in 1978,[1] was the product of months of interviewing and discussions, extensive information gathering through surveys, and research. It documented how a change of climate, which was occurring as a result of the increased visibility of art sales and museum exhibitions, was putting art objects at risk of theft and putting buyers at the risk of acquiring stolen art. It described the state of the problem: disorganized inventory records without photographic documentation; inaccessible information; lack of standard cataloging procedures; poor coordination between professional sectors; incompatibility of laws from one jurisdiction to another; a lack of interest and expertise within the law enforcement field when dealing with the art world; and an indifference on the part of insurers, who found art insurance to be profitable and were happy to pay claims and leave it at that. Jean Châtelain, then the director-general of French museums, wrote a report for the European Community[2] in which he described this lack of focused coordination to stop traffic in stolen art as hopeless and unresolvable. For the small team at IFAR, this situation only made the opportunity more challenging, interesting, and timely.

IFAR's feasibility study began with a survey of approximatly 300 US museums concerning their theft history and attitudes toward theft and protection. Ann-Marie Cunningham, an experienced journalist who had worked on Karl Meyer's *The Plundered Past*, conducted the survey, beginning with the mailing of a questionnaire and following up with phone calls to museum directors and registrars. She learned that across the field, the very question of responding to the questionnaire was controversial. Many museum directors were weighing the implications of participating or not participating. IFAR had assured museums that every institution's specific responses would be kept confidential; nevertheless there were concerns about exposing the museum field to potentially negative publicity, and there were no precedents to guide the field. In most cases, museums had an implicit policy not to talk about theft, and lacked explicit policies concerning internal administration or external behavior in relation to a theft.

A few influential voices in the field decided the question. Huntington Block, the leading U.S. broker of art insurance, encouraged his client institutions to cooperate with the survey. At the same time, the general counsel of The Metropolitan Museum, Ashton Hawkins, recognized the potentially far-reaching implications of this issue for the museum profession and scheduled a discussion on museum theft at the annual Museum Law Conference, held that year at the Metropolitan. Special sessions at national and regional meetings of the American Association of Museums followed, and in the end 90 percent of the museums contacted by IFAR cooperated.

The results of this inquiry were very revealing. Seventy-five percent of the museums had experienced theft, with a total count of more than 5000 objects reported still missing from inventory at U.S. institutions at the time of the survey. Only a quarter of these thefts had been reported to any organization or institution beyond the local police or the museum's insurers. Although most missing items were small, and had disappeared from galleries during hours when the museum was open to the public, only 10% overall had been recovered. The museum profession was on the whole more than ready to cooperate to reduce its vulnerability to theft by recording missing objects in an archive. Far fewer were eager to publicize thefts by notifying the local press. Most museum managers believed this step would only increase their vulnerability and alienate donors.

> " About half of the institutions surveyed forwarded theft records to IFAR following completion of the museum survey . . ."

The case histories gathered during the survey suggested the contrary. We learned that recoveries were provoked most often through local and national press reports, which called attention to the losses and made the objects "too hot to handle." As a dialogue developed within the field, several major theft incidents pushed the museum profession further toward establishing policy for reporting and dealing with this problem. These included, in short succession, the theft of a Rembrandt portrait from the Boston Museum, a break-in at the home of Harvard president Derek Bok netting several important paintings, and a burglary of Hammond Castle in Gloucester, Massachusetts. Thefts also occurred at the McNay Institute of Art in San Antonio and the Philadelphia Museum of Art. In each of these cases, the institutions made the decision to cooperate with the press and to file formal theft reports with the police, a reversal of the existing tendency of the time. They developed procedures to protect sensitive information and to deal with ransom calls. By the time the IFAR survey was completed,

most museums in America had established formal policies and procedures for making art theft occurrences public and dealing with the aftermath of such incidents. About half of the institutions surveyed forwarded theft records to IFAR following completion of the museum survey and the publication of its results. This formed the basis of the IFAR archive.[3]

A survey of art dealers was the second stage of IFAR's research. Questionnaires were sent to about the same number of art dealers around the country as had received the museum questionnaire, and interviews were conducted by IFAR staff member Beth Herz. As might have been expected, art dealers—with no obligation to uphold a public trust—were less active respondents than museum professionals. Nevertheless, the survey produced a respectable 21% response. Encouraged by their president, Gerald Stiebel, members of the National Association of Art and Antique Dealers—a leading association of decorative arts dealers—participated actively as a group. The results of the art dealer survey were in some ways surprisingly parallel to museums' experiences. More than three-quarters of the respondents had experienced thefts in the last five years, generally during visiting hours. Only half were able to produce photographic documentation of the missing objects. Recovery rates were generally higher than museums', but more than half said they had recovered nothing.[4]

IFAR developed a cataloguing format that could be used by professionals and non-professionals alike

Many of the dealers who were interviewed felt extremely vulnerable to the increasing risk of a violent incident in their galleries, especially those occupying store-front locations. But most expressed greater frustration at the limited support they received from law enforcement when thefts occurred, and their lack of means to prevent handling a work of art that later proved to have a theft incident in its chain of title. They were right to be concerned. For the case that established law in the United States for return of stolen property (Menzel v. List) awarded full right to recover the artwork to the original owner (Menzel). At the same time, it awarded to the bona fide purchaser (List) the right to recover the full contemporary market value of the work. The intermediary in this case—the distinguished New York dealer Klaus Perls—was obliged to refund the purchaser not just the purchase price but the accrued value of the work since its purchase. Many people during the IFAR interview process commented that this decision was unfair, and even some lawyers felt it was likely to be overturned by future rulings in similar cases, as it placed art dealers in a position of substantial hardship. In fact, the ruling remains the legal precedent today in cases regarding stolen art.

Dealers were especially outspoken about their great liability in this situation as compared to auction houses. At the time, auction houses considered themselves to be non-participatory intermediaries with no direct stake and therefore no direct liability for inadvertently handling stolen art. In fact, the auction houses interviewed during the IFAR survey, especially Sotheby's whose chairman, John Marion, served on IFAR's board at the time of the survey, were very eager to demonstrate their willingness to exercise diligence in checking every available resource to confirm title before putting works up for auction. They willingly supported the art theft archive concept and still do.

A final phase of the survey was comparative research in England, France, and Italy to collect information, statistics, and legal case histories from art dealers, law enforcement officials, and the insurance industry. In Europe the situation for recovery of stolen works was rendered far more difficult by the lack of consistency in the laws of different countries concerning recovery and prosecution. Many countries' laws awarded clean title to *bona fide* purchasers in legal disputes. Most Europeans believed there was a statute of limitations of about 30 years that would "quiet title" to stolen works after that time.[5] Throughout Europe, professionals reported that it was practically impossible to pursue title or prosecute thefts across national boundaries. The ease of transporting stolen art across such boundaries was vividly portrayed in the statistics collected by IFAR at the time, which showed that a majority of major works stolen in Europe were recovered in neighboring countries.[6] Although Interpol was a valuable resource for disseminating information about art thefts internationally to the law enforcement community, its reports rarely reached the art trade. The press and the grapevine were Europe's best forms of information and defense.

Concerned about this situation, the European art dealers association, CINOA, under the leadership of Jean Cailleux, held a special meeting on the problem of art theft at Unesco headquarters, and underwriters in the London insurance industry responded intriguingly to the IFAR survey with the idea of a special property loss register devoted to art objects. A decade later this idea would take form as the Art Loss Register, one of the safeguards available to the art market today against trade in stolen art.

What did IFAR learn about art theft? In the course of its study, IFAR contacted every sector concerned with the problem. Identifying the most vulnerable targets to be museums, galleries, and auction houses, IFAR focused its future program on helping these groups. And recognizing that the law enforcement and the insurance communities needed an interlocutor to the art world, IFAR began to bridge this gap. Over the two-year period, IFAR mobilized

concern across a variety of professions and across national boundaries. It documented that its basic premise—that art theft was a growing problem that needed to be addressed professionally—was valid. IFAR developed a cataloging format that could be used by professionals and non-professionals alike, and continued to collect information that had become available to it during the survey, which had previously been accessible to no one. Through the feasibility study process, IFAR had positioned itself as a key resource; the network it created through the study would serve it for many years of active management of the art theft archive and its newsletter.

IFAR's first *Index of Stolen Art* was published in 1978. The *Art Theft Archive Newsletter* began publication the next year, and later folded into *IFARreports*; it continues today as a feature of the present *IFAR Journal.*

Many recoveries have occurred since that time in which information provided by IFAR was critical in the identification of a stolen work. On such occasions, IFAR cooperated closely with law enforcement to bring about these recoveries. These events produced success stories that helped reinforce the growing reputation of IFAR's Art Theft Archive. More gratifying and perhaps more valuable in the long run was the important change of attitude and perspective that the organization helped to bring about. IFAR's program confronted a problem at the moment when it needed to be solved and was able to synthesize, through contacts with people throughout the field, an appropriate course of action.

At a distance of more than 20 years, the snapshot of practices in the museum and art worlds in IFAR's 1978 report is still vivid and meaningful. Many years after this was published, I was asked to testify in a court case concerning the Guggenheim Museum's efforts to recover a painting stolen from the museum's storage in the early 1970s and sold through the hands of several reputable New York dealers before it was identified in an auction catalog by a member of the museum's staff. At issue was the question of the museum's "due diligence," since the loss had not been reported at the time it was discovered. Nor did the Guggenheim Museum report it to IFAR at the time of the museum survey. My testimony was meant to establish the prevalent attitude at the time of this theft in museum circles: that there was no form of recourse; that there was nothing to do in the event of such a loss other than to attempt to correct the breach of security at fault. On the eve of the trial, the case was settled, with the museum recovering the picture in return for an undisclosed payment. The museum's lawyers told me that the existence of the IFAR survey, and the detailed assessment it provided of museum practices in the early 1970s, helped them negotiate the settlement and recover the picture. Without this information, the museum would have been in a weak position to show that it deserved to recover the work.

While the incident provides an additional validation of the study's importance and IFAR's pioneering work in this field, it also shows the distance all museums and professionals in the art world have come in practicing 'due diligence'—by actively deterring theft through improved security and collections management standards, by knowing that they have a recourse when losses occur, and by exercising it.

NOTES

1 Bonnie Burnham, *Art Theft, Its Scope, Its Impact and Its Control* (New York, IFAR, 1978).

2 Jean Châtelain, *Means of Combatting the Theft and Illegal Traffic in Works of Art in the Nine Countries of the EEC*, Brussels, EEC, 1976.

3 A detailed report on the museum survey, by Ann-Marie Cunningham, can be found in *Art Theft*, at pp. 105–47.

4 A detailed report on the art dealers survey, by Beth Herz, can be found in *Art Theft*, at pp. 148–94.

5 It was some years later that courts in Italy, Germany and France began to rule in favor of the original owner, reopening many past disputes of ownership of works of art.

6 "List of Important Worldwide Art Thefts, 1975–77," in *Art Theft*, Appendix 2, pp. 99–104.

• • •

CONGRATULATIONS IFAR

THE MARBELLA GALLERY, INC.
28 EAST 72ND STREET
NEW YORK, N. Y. 10021
212-288-7809

MILDRED THALER COHEN

WOODWARD
GALLERY
476 BROOME STREET, FIFTH FLOOR
NEW YORK, NEW YORK, 10013-2281
PHONE (212) 966-3411 FAX (212) 966-3491
E-MAIL W.D.W.R.D.G.L.L.R.Y@AOL.COM
HTTP://WWW.ARTNET.COM/WOODWARD.HTML
TUES. - SAT. 11-6 PM

IFAR PUBLICATIONS

The first issues (vol. 1, no. 1) of four IFAR publications.

1979 and later

In 1979, IFAR begins regular publication of two newsletters:

- *Art Research News*, a quarterly summary of IFAR's authentication research and related scholarly and connoisseurship issues. Articles on art forgery and fraud are also featured.
- *Art Theft Archive Newsletter*, a ten-times-per year newsletter listing all the new items registered in the Art Theft Archive, together with stories about stolen or looted art and other legal and practical art collecting issues.

In 1980, the *Art Theft Archive Newsletter* changes its name to *Stolen Art Alert.*

In 1985, *Art Research News* and *Stolen Art Alert* are merged into one publication, *IFARreports*, published ten-times-per year. It remains IFAR's primary communications vehicle until 1998, when the *IFAR Journal* is created.

It is worth noting—and perhaps not coincidental—that two major theft items that were highlighted in the very first issue of the *Art Theft Archive Newsletter* in 1979 were recovered this past year, 1999: *The Rabbi*, attributed to Rembrandt and stolen from the DeYoung Museum in San Francisco in December 1978, and Cézanne's *Still Life with Pewter Jug and Fruits*, stolen from the private collection of Dr. Harry Bakwin in Lenox, Massachusetts in May 1978. If nothing else, this suggests that stolen items publicized by IFAR over the years may be encountering difficulties working their way into the marketplace and are remaining hidden. But when they do resurface, even after twenty years, they can be easily identified and returned to their rightful owners, thus validating IFAR's initial vision in creating the Art Theft Archive and in publicizing the thefts in its publications.

The pages of IFAR's newsletters present a veritable history of world-wide events in art theft and fraud, as well as the results of IFAR's own authentication research and related connoisseurship and scholarly issues.

Warmest congratulations to IFAR

on thirty years of extraordinary, dedicated service

to the art world

RONALD S. LAUDER

Congratulations
IFAR
On your 30th Anniversary

Since 1928

HAMMER GALLERIES

33 West 57th Street, New York, NY 10019 (212) 644-4400 Fax (212) 644-4407
www.hammergalleries.com

FORGERY AND FRAUD

IFAR's Authentication Service as an Aid to Law Enforcement

Spawned as IFAR was in the aftermath of art fraud hearings, and with Joseph Rothman, former Assistant Attorney General of New York State, as a Founding Trustee, IFAR has played a role against art fraud since its inception. The Authentication Service has always reserved the right to make its research known, as needed, both to advance scholarship and to work against fraud, thereby fulfilling its public service mission. Over the years, IFAR's expertise has been called upon over and over by the government, and IFAR has testified in numerous court cases. When fraud has been suspected, IFAR has cooperated with the FBI and other police and government agencies. IFAR's Authentication Service has gotten involved in and, in several instances, actually uncovered large-scale forgeries related to artists as diverse as: Thomas Hart Benton, Edmund Tarbell, Raoul Dufy, Salvador Dalí, and numerous other old and modern masters from private and public collections.

Fig 1. *Kirchplatz*. Oil on canvas. Signed "Kandinsky" lower left. Purchased from Joseph Hartert in 1979. Determined not to be authentic.

THE HARTERT CASE— GALLERIA BORGHI 1979/1980

In autumn 1979, IFAR is approached by the Galleria Borghi in New York to examine an entire collection of paintings it had purchased on behalf of a California collector for $1.2 million. The seller was a Yorktown Heights, New York dealer, Joseph Hartert, the father of Jack Hartert, the deceased artist and forger who had been implicated in the notorious Walter Chrysler forgery scandal in the 1960s. It was the same Joseph Hartert who had sold Chrysler some 90-odd fakes from his gallery located on East 58th Street in Manhattan. At the time, Chrysler had refused to press charges, choosing instead to bury his loses. Hartert later closed the gallery. It was now apparent, however, that he had not gone out of business, but had continued to sell works from a warehouse in Peekskill, New York.

Soon after purchasing the questionable works from Hartert, the Galleria Borghi became concerned about their authenticity and tried to get the sale rescinded. But it couldn't get experts to testify. It turned to IFAR for help.

IFAR examines 18 paintings for Borghi, including works attributed to Monet, Picasso, Braque, Hassam, Severini, Soutine, and three each to Kandinsky and Klee. IFAR enlists the help of experts in the U.S. and Europe, including John Richardson for Picasso, John Rewald for Monet, Maurice Tuchman for the Soutine, and Louise Svendsen for the Kandinskys. Technical analysis supplements the scholars' opinions. All the works are found to be fakes; some only crude imitations, but others very accomplished. The director of the Paul Klee Stiftung in Bern describes the Klees as among the best forgeries he's seen.

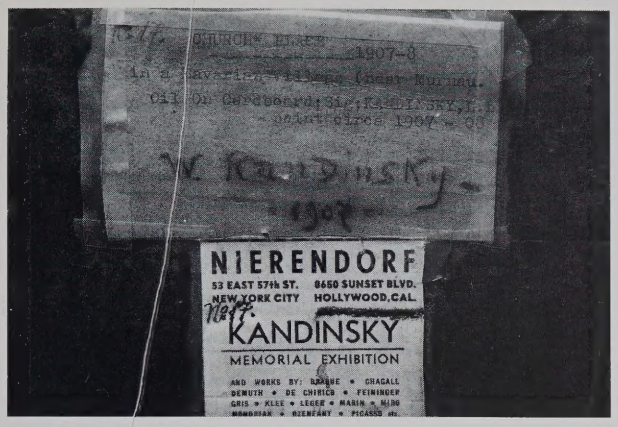


Fig. 2. Label from the back of *Kirchplatz*, purchased as a Kandinsky by the Galleria Borghi from Joseph Hartert. Determined not to be authentic.

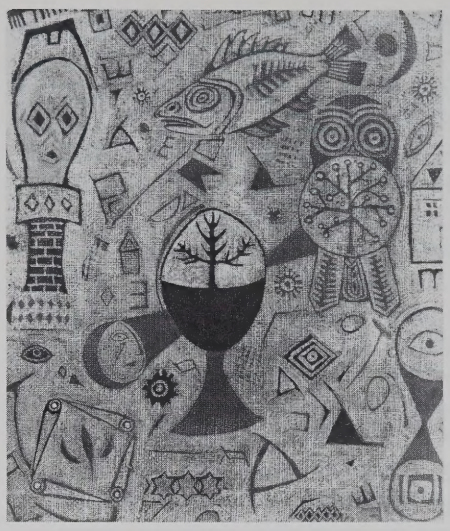


Fig. 3. *Untitled*. Oil on canvas. Submitted as a work by Paul Klee. Purchased by the Galleria Borghi in 1979. Determined not to be authentic.

Many of the paintings come with gallery labels, which in at least five cases are shown to be fake. In regard to labels attached to a purported Kandinsky, *Kirchplatz* [figs. 1 & 2], Louise Svendsen notes:

> I have done a great deal of research on the Nierendorf Collection (bought by the Guggenheim Museum in 1948...), but have never seen such a label or found any evidence of a Nierendorf Memorial Exhibition for Kandinsky.

In November, the gallery brings suit in the Supreme Court of the State of New York against Hartert's agents (the Belmont Myers warehouse in Peekskill, New York). IFAR's President, Edwin L. Weisl, Jr., testifies as to the results of its examinations.

The Galleria Borghi settles out-of-court. The matter could have stood there, as it had with Walter Chrysler 18 years earlier. But as a result of IFAR's investigation and with word that other Hartert works were about to be sold, the FBI came into the picture. It seized approximately 800 works in the warehouse. The publicity caused other Hartert purchasers to come forward. Hartert, in his 80s, was finally out of business.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----------X

INTER-ART CORPORATION OF AMERICA,
d/b/a GALLERIA BORGHI OF NEW YORK, et al.,
Plaintiffs,
Index No. 17491/79

- against -

BELMONT G. MYERS, et al.,
Defendants.
AFFIDAVIT

----------X

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:

EDWIN L. WEISL, Jr., being duly sworn, deposes and says:

1. I am president of the International Foundation for Art Research., a nonprofit corporation located at 46 East 70th Street, New York, NY 10021. I make this affidavit at the request of the attorneys for the Plaintiff herein.

2. The International Foundation for Art Research, Inc. was organized in 1968 at the request of the Attorney General of the State of New York for the express purpose of combatting the growing problem of art fraud, including art forgery. The Board of Directors of the Foundation consists of prominent persons involved in the art world. The major resource of the Foundation is its Advisory Council, whose members are leading experts throughout the world in every field of art. These experts, as well as others, make themselves available to examine particular works of art belonging to museums, galleries, and individuals, to determine their authenticity. These opinions are published and made available to the art world and the public at large.

Fig. 4. (right) Photocopy of Edwin L. Weisl's November 1, 1979 deposition in the Hartert forgeries case.

THE BENTON FORGERIES

In 1983, IFAR examines a group of seven works attributed to the American regionalist painter, Thomas Hart Benton. They were submitted by different owners and were all determined to be fakes. Benton and his fellow figurative painters were enjoying renewed popularity and an increase in prices. A concomitant flurry in forgeries was appearing on the market. Armed with IFAR's information, one client sued the gallery that sold the works to him, and the Los Angeles Police Department launched a fraud investigation.

Bonnie Burnham writes the following summary:

> **"Thomas Hart Benton: A New Assault" by Bonnie Burnham. From *Art Research News*, Volume 2, Number 2–3, 1983.**
>
> The work of Thomas Hart Benton has not been treated in a kingly fashion by history. Notorious for his querulous personality, his grassroots popularity, his naive imagery, and especially the obstreperous stance he took on his later life against modernism and abstract art, Benton was made the brunt of both ridicule and reaction by the post-war generation of abstract painters.... It is only in the last five years that Benton's work has again begun to attract serious interest and approval.... In the late 1960s, knowledgeable collectors began looking seriously at American realist art in the hope of finding quality works at reasonable prices, and in the 1970s this return to favor was evident in the number of handsome publications that became available on the American realists. As of 1980, a dramatic increase was evident in the auction prices commanded by American figurative art; these prices had grown as much as tenfold in the last decade, showing that American narrative painting has established a broad and solid audience.

Fig. 5. *Missouri Flood*. Oil on masonite. 15 x 19". Signed lower left "Benton '47." Determined not to be authentic.

This rapid growth has produced problems, for the artists in question were prolific, and there has not yet been, in most cases, a serious scholarly effort devoted to documenting their work. A flurry of forgeries has cropped up, infiltrating the market for the artists' works. Sometimes cunningly executed, these forgeries run the gamut from pastiches to purported studies for existing paintings, and include works by other artists that have acquired both signatures and spurious documentation. In the last year, seven ambitious Benton forgeries have come to IFAR for examination, and IFAR has become aware that there are many other spurious works on the market. The artist did not make careful records of his production, and since there has as yet been no detailed and scholarly study of his oeuvre, the problems are likely to persist in the future. These seven works are published here as a service to potential buyers.

Each has been examined by Robert C. Graham, Jr., vice president of Graham Gallery in New York and an expert on Benton's work, and Dr. Matthew Baigell, author of *Thomas Hart Benton* (Abrams, 1973), the principal book on the artist; these two experts were in concurrence on every work examined.

***Missouri Flood.* Oil on masonite, 15¾ x 19¾ inches. Signed and dated "Benton '47." (Fig. 5)**

The first of the series to be examined by IFAR, this work has been sold to a California Gallery, accompanied by a photo-certificate purported to be in Benton's handwriting, and a letter of authentication from Benton's son, T. P. Benton. It passed through several hands before it was shown to the Graham Gallery and pronounced a fake. Subsequently it was referred to IFAR for a more comprehensive study.

The work is a smaller and slightly modified version of *Missouri Spring*, 1945, now in the collection of the North Carolina Museum in Raleigh and published in the Baigell book *Thomas Hart Benton* (fig 181). *Missouri Flood*, which depicts a theme that was repeated frequently by Benton, was sold as a study of *Missouri Spring*, and it bears a great superficial resemblance to that work. But close examination reveals that it cannot be by the artist. The hallmarks that betray it as a forgery are the crude, generalized rendering of the farmhouse, the highly unanatomical conception of the mules, and the poor handling of the foreground vegetation. But above all there is a lack of the underlying structure that informs all of Benton's compositions, which seem to be teeming with surging, rhythmic force. An abstract painter in his early life, Benton always composed paintings so that the two-dimensional grids of the composition were clearly described. In fact, Baigell has noted that the artist's figurative work after 1920 can usually be "read" abstractly. His paintings are full of com-

positional clotures which link the figures and forms to the landscape. The forger's work lacks this unity.

In addition, the forger has made an anachronistic error. The date of the *Missouri Spring*, the authentic Benton, was published as 1948 in Baigell's book on the artist. Recent examination, however, has shown that the date reads not 1948 but 1945, the purported study for it could not have been done in 1947. We must conclude that the forger used the illustration in Baigell's book as the source for his composition. Believing *Missouri Spring* to have been painted in 1948, he gave his work an earlier date. The logic, however, fell apart when the correct date of *Missouri Spring* became known.

The photo-certificate from Benton, examined under IFAR auspices by a handwriting expert, proved to be a forgery. The authentication from the artist's son is probably an innocent mistake. Since he probably was basing his opinion on examination of photographs, T. P. Benton probably made the assumption that the painting was *Missouri Spring*, and not a copy of it....

***Plowing the Field.* Watercolor on paper, 16 x 21 inches. Signed "Benton" (Fig. 6).**

Sold to a New York dealer, this work has nothing in common with Benton's style, other than the presence of mules. It may be the work of a follower, or a wholly unrelated watercolor that has acquired a Benton signature.

On the back of the work, however, was an extra show of credibility: a printed label from the Kraushaar Gallery, New York, with purported stock number, title and the artist typed on it. This authentic looking document would seem to show a reliable source.

Fig. 6. *Plowing the Field*. Watercolor on paper. 16 x 21". Signed lower right "Benton." Determined not to be authentic.

According to the Kraushaar Gallery, the label is a fake. Although it shows the address used by the gallery in the 1940s, it is unlike any label that the gallery has ever used. The same kind of printed label has also been seen on another work: a painting ascribed to William Glackens that was sold at the Schuster Galleries in New Windsor, New York in 1981. Neither has ever passed through the hands of the Kraushaar Gallery and the Benton, at least, may be judged a fake....

Now a great deal of information has been assembled about the character of the forgeries, and a chain of sources—including two dealers in Kansas City and one in the New York area—has been identified. The question arises, how can this process be stopped? The answer, unfortunately, is frustrating. Little more can be done to uncover the identity of the forger, even though most of the forgeries appear to have been released by only one or two sources. The only way to punish those involved in a fraud which has, to date, involved the sale of at least $150,000 in forgeries, would be to prove a conscious conspiracy through criminal prosecution.

The Los Angeles Police Department has conducted an extensive investigation of the works that appear on the market in California, but to date the District Attorney in Los Angeles has failed to bring a case against the principal suspect, a man in the New York area who has been convicted and jailed previously for fraudulent dealings involving art. Detective William Martin of the Los Angeles Police Department recently commented to IFAR that the case, which will depend on the prosecution's ability to bring in numerous witnesses from New York to support their allegations, will be expensive to prosecute. After a year of investigation, he is now uncertain whether it will be prosecuted.

So far, the FBI has shown no interest in entering the case. As with so many similar situations involving art, the best defenses against acquiring these forgeries are close inspection, comparison with documented originals, and a consultation with a recognized expert about their authenticity.

(*Art Research News*, Vol. 2, Nos. 2–3, 1983)

THE DALÍ FORGERIES

A few years later, IFAR again gets involved in a large-scale forgery investigation, this time concerning thousands of fake Salvador Dalí prints that are flooding the market. One print, *The Discovery of America by Christopher Columbus*, comes to IFAR for authentication, but it turns out, as do so many others, to be a photomechanical reproduction. The market is inundated with the counterfeits, and IFAR stops accepting them for examination, fearful that it will have time to do nothing else. But the scandal continues for years—and is covered on the pages of *IFARreports*. Virgilia Pancoast, Director of IFAR's Authentication Service, testifies at the trial of the Center Art Gallery in Honolulu, which is selling many of the fake prints. In 1995, IFAR laments the denouement of the case: the government's decision to recoup some of its trial costs by selling 11,000 of the fake prints confiscated from the Center Art Gallery. Although the prints were to be stamped as fakes, it took little imagination to realize that, some day, they would end up back on the market.

The Discovery of America by Christopher Columbus. Determined by IFAR to be a photomechanical reproduction. One of the most widely sold Dalí print forgeries.

IFARreports, July 1987

Dali Forgeries Persist but "Suppliers' Days are Numbered"

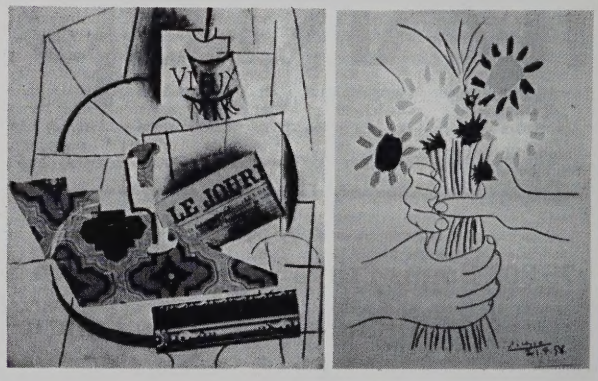
The walk-in galleries and boiler-room establishments that sell hundreds of thousands of dollars worth of counterfeit Dali prints each year should be put on notice. Months of behind-the-scenes investigations by several law enforcement agencies have resulted in raids and seizures of counterfeit Dali prints in a number of states across the country. In mid-April, city and federal authorities raided the four Honolulu branches of Center Art Galleries and, as reported in the *Honolulu Star Bulletin* by Lee Catterall, seized company records and allegedly fraudulent Dali prints. Mr. Catterall has reported Center's disputes with disgruntled customers who have purchased questionable Dali prints and have been forced to take legal action against the gallery. At this writing, the Honolulu raid has not been widely publicized; however, it is an important news story as Center has a highly visible presence in Hawaii and is one of the largest retailers of art in the United States.

IFAR has received many inquiries from individuals who have purchased Dali prints from Center Art Galleries' branches, all of them situated in prime tourist areas. In 1984, a Center customer contacted IFAR's Authentication Service about several Dali prints. He was concerned about their authenticity and was in the process of negotiating an exchange with Center, which would allow him to return the prints for two "original drawings" by Dali. After the

The Discovery of America by Christopher Columbus, *one of the most widely sold of the Dali print forgeries.*

IFARreports, February/March 1992

Largest Worldwide Supplier of Counterfeit Prints Indicted



Two of the Amiel "Picasso" prints sold through Original Artworks, Ltd.

A major supplier of Dalí prints also produced "Picassos," Mirós," and "Chagalls."

Dali—Double Trouble

US Government Sells Center's Fakes

In October, in the third of three auctions, the United States government sold the last of 11,000 fake prints with full disclosure that they were not made by the artists whose signatures they bear. In these sales, the works were not misrepresented, but future sellers may not be so scrupulous. The prints came from the inventory of Center Art Galleries-Hawaii, and were sold to raise funds to partly cover the $2 million-plus fine imposed on the gallery and its two principals after their fraud conviction. According to *The New York Times*, the auctions brought $347,550. The proceeds will make a contribution to help repay the U.S. Postal Inspection Service which investigated the fraud at great cost to the taxpayer.

The sale was ordered by the trial judge, Harold Fong, who has since died. The auctions were conducted in Belmont, California by Koll Dove Global Disposition Services. The October 21 sale was advertised as a "Faux Dali Art Auction."

As a result of the three auctions, thousands of works, prints and sculptures, many of them marked as fakes in rather small letters in the middle on the back, have been sent into the market. The warning is well phrased, alerting the buyer that the works are "counterfeit," "fake" and "unauthorized." However, many were re-framed, and the warnings are obscured. Some are bound to become instruments of future frauds. Furthermore, The auctioneers sold the images in lots of 100, making it more likely that they were purchased by people intending to resell them rather than for study purposes or as mementos of one of the biggest art fraud trials in memory.

Judge Fong must have forgotten to ask several questions. Will freeing these items cost the public more in the long run than it recoups? Will it not perpetuate the problem that cost so many naive individuals large amounts of money they could ill afford to lose? Will it not recreate the need for more investigations by the Postal Inspector's service?

The agency in charge of the sale has promised to provide IFAR with a detailed list of the items sold. And it is hoped that anyone with a question will contact IFAR.

Something Rotten in Denmark

Also in October, after a trial in Denmark before a judge and two lay assessors, a 37 year old former art dealer was unanimously convicted of fraudulently selling 200 works falsely attributed to Miró and published by Amiel companies. The Amiels were publishers and distributors of many thousands of troublesome prints that formed a large portion of the inventory of Center Art Galleries- Hawaii. The convicted man sold them to other art dealers in Denmark and abroad during a two year period between March 1989 and February 1991. He gave written consent to give up 133 prints (5 by Miró," 25 "Dali,"and 103 by "Chagall") in his possession. The conviction may be appealed, and under Danish law, the defendant's name is not to be published until the conviction is upheld.

The article at left by Constance Lowenthal appeared in *IFARreports*, December 1995.

NANCY ESCHER
INCORPORATED
APPRAISER OF FINE ART AND RARE BOOKS

Congratulations to the Staff at IFAR
for 30 years of diligence and commitment
to your mission

Nancy Escher, ASA
Nancy Escher, Inc.
9538 Brighton Way, Suite 332
Beverly Hills, CA 90210
Ph: 310/275-5048
Fax: 310/275-0636

and our new offices

633 McAndrew Road
Ojai, CA 93023
805/640-6962
email: NEscher590@aol.com

Reminiscences

from Virgilia Pancoast Klein

Director, IFAR Art Authentication Service, 1980–1993; Member, Board of Directors since 1997

In the late 1970s, I was intrigued by an article written by Grace Glueck in *The New York Times* about IFAR, focusing specifically on the foundation's newly established Art Theft Archive. It captured my imagination, and enticed by the thought of possibly working there in some capacity, I sent a letter with a résumé to the then Director, Bonnie Burnham. As luck would have it, she asked me in for an interview, and I started the next week as a volunteer writing letters and getting involved in the art that IFAR had accepted for examination, enabling Bonnie more time for the Art Theft Archive. Several months later, with my foot firmly wedged in the door, I was offered the job of managing the Authentication Service as a modestly paid Research Assistant. Little did I know that I would eventually become the Director of the Authentication Service and have the time of my life doing it.

Now, two decades later as I review the well over four-hundred examinations I worked on with the eminent scholars from our own Art Advisory Council and elsewhere, I am amazed at what was accomplished considering IFAR's small staff and the many controversial and problematic works IFAR took on for study. From Rembrandt to Rothko, Gainsborough to Gauguin, and Monet to Modigliani, each work presented its own set of problems be it style, provenance, signatures or technique, and we became, in many instances, "the court of last resort" for works of questionable attribution. Interestingly, about 80% or more of these examinations turned out to be deliberate forgeries (a work conceived with the intent to deceive), or works that for years had been accepted as authentic with their greatly inflated attributions.

I never would have thought that when I started out with IFAR I would eventually be considered a "forgery expert," and whereas I refute that title, I have been asked many times to speak on the subject at museums, universities, and clubs, using IFAR examinations as my source material. The thought of art forgery as a white collar crime is endlessly fascinating to the public who misguidedly envision sophisticated and worldly forgers profiting by exploiting the rich. It is much more likely that the artists that fake art are just ordinary people whose motivation is greed. Indeed, many forgers have focused on the lower end of the art market creating works by the second and third rank artists because they can more easily slip into the art marketplace without being detected. The profits are less, but it is a living and worth the risk.

Among the many American artists commonly forged, Bierstadt will certainly be close to the top of most lists. Some of the works we have seen by him turned out to be simply innocent copies of known works by Bierstadt, often done in the 19th century. Others are executed deliberately in his style complete with a bogus signature, and I have been told by a Bierstadt expert that there are even authentic Bierstadt's with added fake signatures, thus complicating the whole attribution issue. IFAR has also been involved in authenticating a wave of forgeries that surfaced in the 1980s purportedly by Thomas Hart Benton and Edmond Tarbell, the Boston Impressionist. In Tarbell's case a flurry of pastel forgeries surfacing as "preliminary sketches" for known paintings by the artist, presented a perplexing situation given that Tarbell was not known to have done many works in the pastel medium. All but one turned out to be forgeries.

> "In my experience, Picasso stands alone as being the European artist most frequently forged, with Matisse a close second."

In my experience, Picasso stands alone as being the European artist most frequently forged, with Matisse a close second. Picasso, undoubtedly because of the popularity of his vast output and because of the media attention given the large prices his work bring at auction. Matisse, perhaps, because his simple looking line drawings and prints are an easy target for forgers. As an example, IFAR examined a "Matisse" female nude drawing that had been made by a forger using, as his model, two 1936 original drawings by the artist, thus creating a pastiche. And one cannot forget the huge Dalí print scandal throughout most of the 1980s. Much of my time was devoted to examining questioned works by Dalí and then later advising the many hundreds of inquiries from people who had sometimes spent thousands of dollars on something worth only the paper it was printed on. I was asked by the Assistant Attorney General of the State of Hawaii to testify in what was at that time surely the art fraud trial of the century taking place in Honolulu. The case against the two owners of a large gallery, indicted for having sold hundreds of fake Dalí

prints, finally came to an end after six months with jail sentences for the two principals.

Certainly, the most rewarding part of working on these hundreds of examinations was the chance to discover an original work that was previously unknown or whose attribution had not been confirmed. I recall, in particular, the beautiful 1894 marine painting, *L'avant port du Havre*, by Eugène Boudin; the exciting discovery of the fourth version of *The Horse Fair*, after the monumental original by Rosa Bonheur in The Metropolitan Museum of Art; and the portraits of two young Chichester brothers, John and Arthur, that we were able, with the help of three eminent scholars, to ascribe to the English 18th century portrait painter, Thomas Hudson. Sotheby's later sold the pair with our attribution and accompanying report.

When I resigned in 1993, Connie Lowenthal, our Director at the time, asked me to remain as a Consultant to the Authentication Service, which I was happy to accept. I will always remember the many challenging aspects of working at IFAR, the contact with scholars and experts all over the world, the opportunity to help in some small way our many clients with their perplexing problems, and always the anticipation of wondering what each new day would bring. I did have the time of my life, and I feel lucky to have been part of IFAR for so many years and to participate now as a member of the Board of Directors.

The most rewarding part of working on these hundreds of examinations was the chance to discover an original work that was previously unknown or whose attribution had not been confirmed.

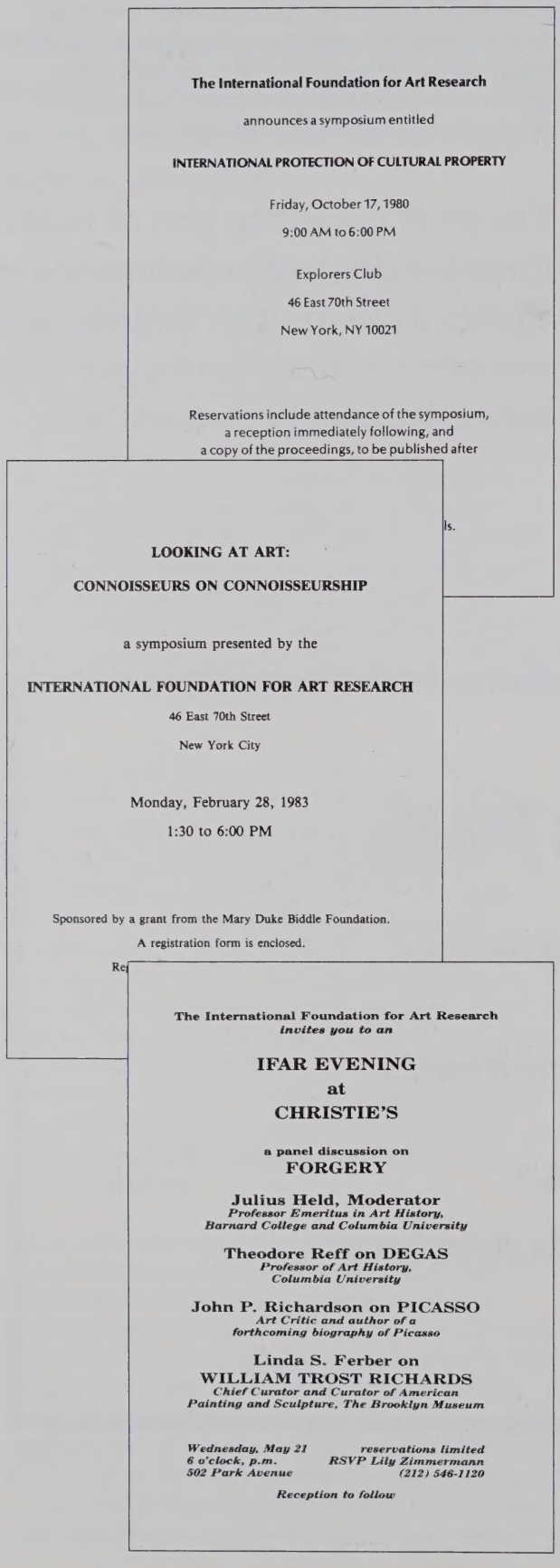
. . .

Saluting IFAR's

30 Years of Service
to
the Arts Community

Jack and Magda Josephson

IFAR EVENINGS



The International Foundation for Art Research

announces a symposium entitled

INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

Friday, October 17, 1980

9:00 AM to 6:00 PM

Explorers Club

46 East 70th Street

New York, NY 10021

Reservations include attendance of the symposium, a reception immediately following, and a copy of the proceedings, to be published after

ls.

LOOKING AT ART:

CONNOISSEURS ON CONNOISSEURSHIP

a symposium presented by the

INTERNATIONAL FOUNDATION FOR ART RESEARCH

46 East 70th Street

New York City

Monday, February 28, 1983

1:30 to 6:00 PM

Sponsored by a grant from the Mary Duke Biddle Foundation.

A registration form is enclosed.

Re

The International Foundation for Art Research
invites you to an

IFAR EVENING
at
CHRISTIE'S

a panel discussion on
FORGERY

Julius Held, Moderator
Professor Emeritus in Art History, Barnard College and Columbia University

Theodore Reff on DEGAS
Professor of Art History, Columbia University

John P. Richardson on PICASSO
Art Critic and author of a forthcoming biography of Picasso

Linda S. Ferber on
WILLIAM TROST RICHARDS
Chief Curator and Curator of American Painting and Sculpture, The Brooklyn Museum

Wednesday, May 21
6 o'clock, p.m.
502 Park Avenue

reservations limited
RSVP Lily Zimmermann
(212) 546-1120

Reception to follow

A Time Capsule

In 1980, IFAR launches a series of evening lectures on "controversies, current issues, and research in the visual arts." It provides a dual purpose: to communicate its own research to members and the public, and to provide a level meeting ground and forum for debate on controversial issues. The series is still going strong today.

IFAR Evenings are supplemented by other popular programs—in-depth symposia and conferences, and "Spring Parties" for members. Leaders from all walks of the art world—academia, government, business, museums, law—accept IFAR's invitation to speak. When the pros and cons of the U.S. implementing legislation for the UNESCO Convention are being debated in 1980, IFAR provides the forum: a full-day symposium on the International Protection of Cultural Property; when, in 1984, the IRS considers changing the tax code affecting donations of art, IFAR hosts a panel discussion on "The I.R.S. and the Tax-Exempt Gift of Art." That evening proves so popular that the venue is changed to accommodate additional guests! When art "theory" becomes ascendent in academia in the 1980s and threatens to discredit the importance of art "objects" and connoisseurship, IFAR holds firm and hosts—as it continues to do—many evenings and symposia on authentication, on catalogues raisonnés, on forgery, and on connoisseurship itself—from a full-day symposium on "Connoisseurs on Connoisseurship," to an *IFAR Evening* on Forgery, with Julius Held, Theodore Reff, John P. Richardson, and Linda Ferber, all distinguished scholars and all members of IFAR's Art Advisory Council.

The tradition continues today, with recent programs on: catalogues raisonnés (Egon Schiele and Jacob Lawrence); the I.R.S. and Art; Art Insurance; Art, Law, and Ethics (Kirk Varnedoe); and forgeries in Chinese paintings (H. Christopher Luce).

The International Foundation for Art Research
cordially invites you to its annual

Spring Party

Tuesday, June 2, 1992
at 5:30 P.M.

46 East 70th Street, New York City

~ *IFAR EVENINGS - 1994* ~

Controversies, Current Issues, and New Research in Art

Tuesday, January 25th - 6:00 pm
OLD MASTERS, THEIR STUDIOS,
FORGERS, AND ADMIRERS
Hubert von Sonnenburg
Sherman Fairchild Chairman, Paintings Conservation
The Metropolitan Museum of Art

~

Tuesday, April 5th - 6:00 pm
LEONARDO DA VINCI: TRUTH AND CONSEQUENCES
A. Richard Turner
Professor of Fine Arts and Acting Chair, Department of Fine Arts
College of Arts & Science, New York University
and author of: Inventing Leonardo

~

Tuesday May 10th - 5:30 pm
THE MOST BEAUTIFUL BLOCK IN THE WORLD
Christopher Gray
Director, Office for Metropolitan History and Columnist, The New York Times

~ IFAR EVENING ~

Tuesday, April 4, 1995 - 6:00 p.m.

CULTURAL PROPERTY IN CHINA: THE MARKET,
THE LAW, AND THE REALITY

J. David Murphy
Faculty of Law, University of Hong Kong

IFAR *Evening*

at THE EQUITABLE TOWER

Monday, December 14, 1998
5:30–7:30 pm

PRIVATE TOUR: **The Equitable's Corporate Art Collection**

SLIDE PRESENTATION: **Jacob Lawrence: Preserving an American Art Legacy**
Peter Nesbett
Director: Jacob Lawrence Catalogue Raisonné Project

The Equitable Tower
787 Seventh Avenue
49th Floor

Wine and Cheese Reception Follows
Reservations Required

OUR SPECIAL THANKS FOR THIS EVENING GO TO THE EQUITABLE GALLERY

The Uses and Misuses of Science in the Authentication of Art

An IFAR Symposium

Saturday, January 25, 1997
at The Explorers Club, 46 East 70th Street
10:30 am - 4:00 pm

10:30 - 11:15
Fakes, Frauds, and Scientists
Robert Cohon, Curator, Art of the Ancient World
Nelson-Atkins Museum of Art, Kansas City

11:30 - 12:15
"A Little Learning..." – The Detection of Forged Egyptian Antiquities
Edna R. Russmann, Research Associate
Department of Egyptian Art
Brooklyn Museum, New York
Author, Egyptian Sculpture: Cairo and Luxor

12:15 - 1:15
Luncheon
(Box lunch provided)

1:15 - 2:00
Reflections on the Limitations of Technical Examination
Norbert S. Baer
Hagop Kevorkian Professor of Conservation
Conservation Center, Institute of Fine Arts, New York University

2:00 - 2:45
An Exceedingly Successful Fake: The Fonthill Ewer
Richard E. Stone
Acting Conservator-in-Charge

servation

e Answer?
R, Moderator

The NATIONAL ACADEMY *Museum*
and the International Foundation for
Art Research (IFAR)
present a panel discussion
THE CHALLENGES OF THE CATALOGUE RAISONNÉ

Wednesday, January 21, 1998 at 6:30pm

The catalogue raisonné, a complete, analyzed listing of all genuine works by an artist, poses unique ethical problems for authors and readers alike.

◆**Connie Lowenthal**, former Executive Director of IFAR, moderates and is joined by:

◆**Michael Findlay**, International Director of Nineteenth and Twentieth Century Works of Art at Christie's;
◆**Wolf Kahn, NA**, the noted landscape painter and subject of a recent monograph by Justin Spring;
◆**Frank Martucci**, sponsor of the forthcoming catalogue raisonné on George Inness; and
◆**Aimée Brown Price**, an art historian who is completing a catalogue raisonné and monograph on Pierre Puvis de Chavannes.

Fee: Academy Friends, IFAR Members, and students, $10; general public, $12. Reservations are required.

NATIONAL ACADEMY *Museum*
1083 Fifth Avenue at 89th Street
New York, NY 10128 **(212) 369-4880**

INTERNATIONAL

IFAR Goes International: The 1980s

By the mid 1980s, IFAR is firmly established in the art theft field and its international reputation is growing. In 1984 it establishes an office in Lausanne (later moved to Zurich); in 1986, it opens another office in Rome. These two locations, so central to the European art trade on the one hand and to the source of old master and antiquities thefts on the other, enable IFAR to register thefts more quickly in pre-computer days and "to get the word out" about its Stolen Art Archive. In 1986, Interpol Canada accepts IFAR's offer to merge the two organizations' archives. William B. Jones, IFAR's President at the time, and Constance Lowenthal, who replaces Bonnie Burnham as Executive Director in 1985, travel to Ottawa to work out a Memorandum of Understanding.

In January 1986, William B. Jones provides testimony regarding S. 1523, the Cultural Property Repose Act, and IFAR offers its expertise to the government. In response, U.S. Senator Charles McC. Mathias writes to IFAR to say he thinks there is great merit in IFAR acting as a central registry for "questionable" works of art under the proposed Cultural Property Repose Act. However, this does not materialize.

In 1983–84, IFAR joins forces with the Committee for the Defense of the Artistic Patrimony of Cuzco in Peru in a project to catalogue and photograph Spanish colonial religious paintings in the churches of Cuzco. Theft from Peruvian churches has become a problem since land reform in 1969 put an end to a system whereby an "economo" or guardian slept in the churches at night in exchange for the right to farm church lands. IFAR organizes a team of art historians, cataloguers, photographers and computer specialists to travel to Peru for eight weeks in the summer of 1983 and again in 1984. The Kress Foundation awards IFAR a grant to support the first stages of the project: documentation and needs assessment.

At the end of the decade, IFAR comes to a similar rescue in Eastern Europe. With the fall of the Soviet Union, IFAR gets involved with cataloguing and highlighting the flow of objects out of Eastern Europe and into the West.

IFARreports, January/February 1984

IFAR Announces European Office

IFAR is pleased to announce the establishment of a European office in Lausanne, Switzerland. The office will gather information for *Stolen Art Alert*, and answer inquiries from Europe regarding the possible circulation of stolen works and forgeries.

IFAR's European correspondent, Francine Leblache, will provide further information upon request. Write to IFAR, c/o Rouvrex S.A., 3 Ave. Ruchonnet, 1003 — Lausanne, Switzerland. Telephone: 21/22.13.14. Telex no. 24'975.

IFARreports, November 1986

IFAR Opens Second European Office in Rome

For the past three years, IFAR has maintained an office in Switzerland to gather information on thefts and answer inquiries from Europe regarding the circulation of forgeries or stolen works of art. For the past ten months William Hauptman has been managing an office in Zurich, a provisional arrangement. When the Swiss Institute for Art Research opens a branch in Lausanne in the late spring of 1987, IFAR's Swiss office will open there in collaboration with the Swiss Institute. William Hauptman, an American residing in Lausanne, is the author of the forthcoming monograph on the 19th-century academic painter, Charles Gleyre. In addition, Mr. Hauptman teaches history of art part time at the University of Dijon.

IFAR is pleased to announce the opening of a second office in Europe and the appointment of Forrest Selvig as our representative in Rome. The new Rome office will focus its efforts on thefts in Italy in order to increase the number of thefts listed and report them on a more timely basis. Mr. Selvig, who served as director of the Akron Art Institute, Akron, Ohio, from 1966-68, has lived in Italy for the past twelve years. While in Italy, he has translated from French and Italian two publications on the restoration and preservation of mosaics for the International Center for the Study of the Preservation and the Restoration of Cultural Property (ICCROM), an agency of the United Nations.

The Zurich office will continue to receive all payments for subscriptions and membership and will answer questions related to European thefts and forgeries. Addresses of the European offices are as follows: William Hauptman, Swiss Institute for Art Research, Waldmannstr. 6/8, CH-8024, Zurich, Switzerland, telephone 251-2486; and Forrest Selvig, via Capodistria 7, I-00198 Rome, Italy, telephone 855-946.

Reminiscences

from Arthur G. Altschul

Chairman of the Board, 1990–97; Member, Board of Directors since 1988

In the ten years that I have been actively involved with IFAR, I have become increasingly aware of the important role that IFAR has played in the past and that I am confident it will continue to do in the future. Our role in educating people about and in tracking down stolen art will continue to be important, as is our role in authenticating art and in working against fraud. I look forward to remaining involved with the Board and staff of IFAR and am pleased that they feel that my background and knowledge are still helpful to them.

from Constance Lowenthal

Executive Director, IFAR, 1985–1997

In early 1985, when I joined IFAR as executive director, it had two clearly defined twin purposes: to fight art theft and forgery. The means of combating these ills, by disseminating information and knowledge, already had been developed by the former Board Chairman, Edwin Weisl, Jr. and Bonnie Burnham, my predecessor, with the help of many colleagues.

Publishing stolen art listings monthly was a timely means of notification before the development of the internet. IFAR's stolen art records were not yet computerized, although Ms. Burnham had seen the future clearly and was preparing for it by participating in museum think-tank groups who were trying to understand and anticipate how computers could aid the art world. The Getty Trust's Information Institute, begun in the early 1980's, would lead the entire field.

Lynn Stowell Pearson was running the Art Theft Archive; she not only produced *IFARreports* ten times a year but also compiled the Stolen Art Alert section almost single-handed. Ms. Pearson relished her contacts with police, customs agents, and insurance investigators. These carefully tended relationships allowed IFAR play a role in numerous recoveries, including antiquities returned to Italy and a Remington to an apartment near Sutton Place.

Forgery, a problem that has always plagued the art market and museum world, was the province of Virgilia Pancoast, a dedicated professional who worked equally adeptly with Authentication Service clients, law enforcement officials, and art experts. She understood the importance of the service. Ms. Burnham, Mr. Weisl, and Franklin Feldman, a leading art law authority and board member, had established procedures that stood IFAR in good stead. Despite the controversial areas in which IFAR operated, the only lawsuit brought against it was dropped very soon after it was filed.

While IFAR was in good shape in terms of personnel and concept, it was in need of leadership, since both Ms. Burnham and Mr. Weisl had resigned. There were also financial woes, a veritable crisis, as IFAR relied on annual giving and no donations had been solicited for six months, while expenses continued to mount. After I arrived in May, the first order of business was finding a chairman. We were fortunate to recruit William B. Jones, who saved IFAR financially, opening his own checkbook and persuading board members to follow his example. Mr. Jones helped get some debts reduced or forgiven and gave wise counsel in debt management. Under his leadership, IFAR dug itself out of the red and into the black.

After Mr. Jones resigned, Arthur G. Altschul joined the board and eventually accepted the position of chairman and led IFAR through a proud chapter of its short history. Jack A. Josephson, a distinguished art collector, joined the board, introduced by Bernard Bothmer. IFAR was fortunate to have Barbara Knowles Debs, Marlene Barasch Strauss, and Marilynn Handler serve as directors. Robert C. Graham, Jr. and Theodore Kaplan joined the board soon after and still serve on it today.

The number of patrons grew considerably. A solvent IFAR became the norm. Donors and members were thanked with lectures and panel discussions on many subjects of interest to the art world and with a Spring Party at the Explorers Club, where IFAR had had its offices since the late 1970s. At these events, we welcomed a wonderful mix of collectors, dealers, appraisers, attorneys, professors, curators, journalists, law enforcement officers and prose-

cutors, and suppliers, all of whom had worked with IFAR during the year. Many found the small gatherings a fine place to strike up a conversation with people they'd only heard about.

In my first year, two major thefts occurred: at the Musée Marmottan, Paris, and at the National Museum of Archeology in Mexico City. The media needed authoritative comment, and we quickly learned how to turn this demand to IFAR's advantage. As the only non-profit monitoring theft and forgery, IFAR is in a position to help the media, and we were frequently called upon to do so. IFAR's media presence appeared to validate its programs and made it easier to approach both individuals and foundations for support. In 1988, Raymond Sokolov invited me to contribute an occasional column called Art Theft Update to the Leisure and Arts Page he edits for *The Wall Street Journal.* The columns reached millions, and the author was always identified in the shirttail as IFAR's executive director. Lecturing, which in 1985 was a means of earning funds IFAR desperately needed, became another useful way to spread the word about the problems IFAR helps to solve. Museum groups and clubs proffered invitations, and serious academic panel discussions were also on my calendar. We also had numerous requests from would-be screenwriters for guidance and plots, requests we turned down unless they wished to make a donation in exchange for a consultation.

IFAR is in a position to help the media, and we were frequently called upon to do so.

It seemed that the criminals, operating during the market boom of the 1980's were actively creating opportunities for IFAR. They certainly kept the office busy, busy enough to need volunteers and to attract interns, both undergraduates and law students. We were fortunate to find some dedicated and brilliant helpers, still our friends. Ms. Pearson left to edit several Sotheby's publications, and Margaret I. O'Brien came to that position. She also had the knack for dealing with the police as well as the theft victims. We put out several special theft notices during Ms. O'Brien's years in the theft spot. In March 1990, when thieves made off with masterpieces from the Isabella Stewart Gardner Museum, IFAR was notified twice in the first 24 hours—by the museum and by the FBI. Countless requests for interviews came in from daily papers, radio and television stations, then the news weeklies and feature writers. The MacNeil/Lehrer Newshour devoted a segment to the Gardner theft in which I appeared with retired NYPD art theft specialist Robert Volpe to talk with Judy Woodruff.

The Dalí lithograph scandals attracted wide attention and more demands from burnt buyers than IFAR could handle.

The Dali lithograph scandals attracted wide attention and more demands from burnt buyers than IFAR could handle. Often when we wondered at the foolishness of those we were helping, we tried hard to recall that we were also changing the climate for those responsible for the fraud. Ms. Pancoast worked with Postal Inspectors and prosecutors; she eventually gave expert testimony in the high-profile Honolulu fraud trial that resulted in the conviction of Center Art Galleries and its principals. When Ms. Pancoast resigned for happy personal reasons, we lost a thread that tied us to IFAR's early years. Her successor, Nancy J. Little, a scholar familiar with many of the experts IFAR consulted, did excellent and thorough authentication work. After some time, it was decided for budgetary reasons to divide the work of the service among specialists.

Around 1990, IFAR had begun talks with entrepreneurs in London who wanted to turn its art theft information service into a business. They had commercial experience, insurance contacts, and the ability to raise capital; IFAR had the reputation, data, and know-how. It seemed like a good match. In the late 80's climate of privatization of public institutions and demands on non-profits to increase revenue rather than relying on largesse as interest rates (and foundation budgets) were shrinking, it seemed like a good idea. It resulted in the formation of the Art Loss Register, a new company with IFAR as a significant shareholder, which has grown faster than IFAR alone could. Ms. O'Brien left IFAR when she moved to London; Anna Kisluk, who now works for the Art Loss Register, succeeded her. There were strains of corporate culture and financial management in the early days, and after only a few years the Art Loss Register separated from IFAR, first operationally and then physically.

The world was changing, and IFAR needed to find its footing apart from the Art Loss Register, a tall order. IFAR remains a New York-based organization, although the need for the Authentication Service is surely greater outside the city. After receiving an offer to direct a new holocaust art recovery initiative for the World Jewish Congress, and the opportunity to work with its chairman, Ronald S. Lauder, I took fond leave of IFAR after more than twelve years. In all, it was gratifying to be able to contribute for so long to an organization that does much good.

Dali...Donatello...Giotto...
Picasso...Rubens

-Masters of Art

Jeffrey Haber...Michael Fischman...
Ellen Hoener Ross

-Masters in the Art
of Insuring Art

Acordia®

90 Park Avenue, New York, New York 10016
Tel (212) 682-7500 Fax (212) 682-1043
www.acordia.com

IFAR AND THE LAW

From inception, IFAR has had a dual strength in art scholarship and in law. But it is not until 1987 that the duality becomes concrete and, with the help of a grant from the AT&T Foundation, IFAR creates an official art-law section in *IFARreports*. Simultaneously, a Law Advisory Council is established to sit alongside the Art Advisory Council established at IFAR's inception. Franklin Feldman, co-author of *Art Law*, a basic textbook in the field, former Chair of the Art Law Committee of the Association of the Bar of the City of New York, and former President of IFAR, becomes the Council's guiding spirit. Today, he is its Chair. The Council comprises some of the world's most distinguished scholars and practitioners in the field of art law. Its members contribute in-depth articles to IFAR's publications, participate on IFAR panels, and generally help inform IFAR and the public on issues of concern. The pages of IFAR publications are a veritable history of the budding field of international art law, including not only discussions of art theft and fraud and the legal liabilities of scholars giving opinions (the very concern that spawned the creation of IFAR in the 1960s), but larger international cultural property issues, statutes of limitations, issues of ownership and title, and, increasingly, World War II era art restitution issues as they're played out in the United States and abroad. Indeed, IFAR is one of the only organizations which has consistently covered these issues in all their ramifications and perambulations in the courts.

In three instances, IFAR has also seen fit to file an *amicus curiae* brief, each time against attempts to limit the ability of original, "true" owners of stolen art to recover their artwork: in *Guggenheim v. Lubell* (on the side of the Guggenheim); in *The Society of California Pioneers v. Baker* (on the side of the Society); and in *Naftzger v. American Numismatic Society* (on the side of ANS).

A SAMPLING OF IFAR PROGRAMS AND ARTICLES ON ART LAW

- "Legal Liabilities for Art Experts," a panel discussion, November 1982
- "Expert Art Opinions and Liability," *IFAR Journal*, Summer 1999; *IFARreports*, October 1987
- "Court of Appeals Reverses DeWeerth Decision," *IFARreports*, January 1988
- "NY Art Law: Is Clarity Around the Corner?" *IFARreports*, May 1990
- "The Guggenheim Gets Its Day in Court to Recover Chagall Gouache," *IFARreports*, February 1990
- "New Sculpture Law in New York," *IFARreports*, May 1991
- "The Statute of Limitations in Art Recovery Cases," *IFAR Journal*, Autumn 1998
- "The French Law of Experts," a panel discussion, December 1997

The following article by Franklin Feldman appeared in *IFARreports*, February/March 1991:

New Decisions on Statutes of Limitations: Authentication and Art Theft

Art law litigation and issues of statutes of limitation are never far apart. It is a low-risk wager to contend that if a suit is instituted on the basis of some art-related controversy, one of the defenses will be that of the relevant statute of limitation—i.e., the plaintiff did not commence suit within the requisite time period.

Two recently decided cases illustrate the point. Each deals with a different side of the limitations coin.

Balog and Balog v. Center Art Gallery

This case was decided in August 1990 by the United States District Court for the District of Hawaii and grows out of the criminal convictions of the Center Art Gallery and certain of its principals for the fraudulent sale of Salvador Dalí prints. Center Art Gallery proceedings have been reported in *IFARreports* (see July, 1990, pp. 2–4 and December, 1990, p. 7) and indeed Virgilia Pancoast, director of IFAR's Authentication Service, testified at the criminal trial.

In this case, the Balogs, State of Washington residents who had purchased some "Dali" prints while on a vacation in Hawaii, instituted a proceeding under the Uniform Commercial Code for breach of express warranty by the sale to them of fake art work. Over the years following the sale, the defendants had repeatedly sent the plaintiffs certificates of authenticity and had represented to them that their "investments" were continuing to appreciate in value.

The defendants moved for dismissal of the action on the grounds that the suit, which was started more than seven years after the sale, was not timely filed under the Code. Specifically, the Uniform Commercial Code, which has been enacted in all states other than Louisiana, provides that a suit instituted under the Code for a breach of warranty in a sale of goods must be brought within four years from the date of sale, and that this period may not be extended.

Other courts in other jurisdictions have previously dealt with this question, and almost unanimously the various courts had held that the Uniform Commerical Code meant what it said: four years and no longer. Accordingly, plaintiffs who tried to develop creative ideas relating to causes of action (other than breach of warranty under the Code) found that they were dismissed from court. This has occurred in the First, Second, and Third Federal Circuits—a very substantial part of the art consuming market.

The Hawaii court was not impressed with the conclusions and reasoning of the other circuits. First, the court held that "in the case of art work which is certified authentic by an expert in the field or a merchant dealing in goods of that type, such certificate of authenticity constitutes an express warranty of future performance to toll the U.C.C.'s statute of limitations…." Second, the court chose to view the conduct of the defendants as an ongoing course of conduct which extended beyond the actual sale of the paintings. Thus, the warranties of authenticity were being reiterated, and accordingly the claim would accrue at the time of the last reiteration.

Finally, the court held that the defendants' continuing assertion of their claim of the prints' authenticity constitute affirmative conduct which prevented the plaintiffs from discovering their cause of action. Accordingly, under this theory, the "fraudulent concealment" by the defendants acted to toll the statute of limitations until such time as the plaintiffs could discover that they had been misled. The bottom line: plaintiff's suit was not time-barred, despite the explicit language of the Code and the holdings of other significant courts.

The Solomon R. Guggenheim Foundation v. Lubell

The second case was decided on February 14 by the New York State Court of Appeals, the highest court in the State. (Earlier developments in the case were noted in *IFARreports*, February 1989, pp. 5–6, "Guggenheim Suit Dismissed," and February-March 1990, pp. 6–7, "The Guggenheim Gets Its Day in Court to Recover Chagall Gouache.") Here, the court unanimously held that the Guggenheim Museum could institute a suit to recover against a good-faith purchaser of a Chagall gouache who had purchased it a few years after the theft. The purchasers had displayed the painting in their home for more than 20 years. (The painting was purchased for $17,000 and is worth substantially more today.)

The key question in the Guggenheim case was whether the concept of "due or reasonable diligence" was a burden to be placed on the theft victim (a concept that had been introduced into this area of the law by the Federal Second Circuit Court of Appeals in the *DeWeerth v. Baldinger* case) and thus replaced the demand and refusal rule, which was generally thought to be the rule in New York. Under the demand and refusal rule, a theft victim could measure his time to institute suit against the possessor of his property (generally three years) from the time of the demand and refusal by the possessor to surrender possession.

As stated by the Court of Appeals: "…the demand and refusal rule remains the law in New York and there is no reason to obscure its straightforward protection of true owners by creating a duty of reasonable diligence. Our

case law already recognizes that the true owner, having discovered the location of its lost property, cannot unreasonably delay making demand upon the person in possession of the property."

The court did not, however, completely reject the concept of reasonable diligence as a relevant factor in the ultimate disposition of the claim. Although rejecting it as part of the statute of limitations defense, it opined that the concept would be relevant "in the context of [the defendant's] laches defense." Most significantly, the court shifted to the good-faith purchaser the burden of demonstrating reasonable or due diligence as well as showing that the painting was "not stolen." It is obvious that it is much more difficult to prove a negative, i.e. that art is not stolen, than a positive.

IFAR's Viewpoint Prevails

IFAR was not a thoroughly disinterested observer in this proceeding. It had submitted an *amicus curiae* brief supporting the position of the Guggenheim, and the arguments it advanced to the Court prevailed. IFAR believes that extension of the statute of limitations in theft cases can help to deter dealings in stolen art.

These two cases provide a fascinating counterpoint—one brought by a purchaser of non-authentic art, the second by a victim of art theft. These, of course, are the bases of IFAR's function in the international art world. One, among many, of the questions that will be raised is whether Mrs. Lubell, should she eventually lose the Chagall to the Guggenheim, has a viable claim against the gallery which sold her and her late husband the painting more than 20 years ago. (Mrs. Lubell has cross-claimed against the estate of the gallery owner.) Under the strict reading of the U.C.C. code, the four years have elapsed; under the doctrine espoused by the Balog decision might she have a chance? Most probably not.

But does Balog open a door to art authentication suits and does Guggenheim shut the door a bit on theft cases inasmuch as the court will permit due diligence considerations to be relevant, at least to a laches defense? The laches defense may well turn out to be a viable defense although not as clear and arbitrary as a statute of limitations defense. Moreover, both cases implicitly recognize the importance of the two major areas in which IFAR functions: authenticity and stolen art. Purchases must be checked, and thefts must be reported. Non-authentic art exists in the marketplace, and the representations of the seller should be independently researched to provide adequate comfort. A small investment in diligence may produce a high return.

(*IFARreports*, February/March 1991)

The following article by Jonathan S. Kaufman appeared in *IFARreports*, May/June 1994:

DeWeerth Redux

A second odyssey through the federal court system has arrived at much the same point as the first one in the now 12-year-old case of *DeWeerth v. Baldinger*. The implications for those trying to recover artworks lost or stolen during World War II are as important, and perhaps confusing, as ever.

The work at issue is the 1879 Claude Monet oil *Champs de blé à Vétheuil*, purchased by Karl von der Heydt in 1908 and inherited by his daughter, Gerda Dorothea DeWeerth, in 1922. During World War II, Mrs. DeWeerth sent the Monet for safekeeping to her sister's home, also in Germany. Mrs. DeWeerth never saw the painting again. It apparently disappeared after American soldiers were quartered in the sister's home after the end of the war in 1945. Mrs. DeWeerth's early efforts to locate the painting proved fruitless.

Turn now to 1956. Wildenstein & Co., a New York art gallery, has acquired the Monet on consignment from an art dealer in Geneva, Switzerland. Wildenstein sold the Monet to Edith Marks Baldinger the following year. Apart from two brief public exhibitions, one of them at Wildenstein in 1970, the Monet has been in Mrs. Baldinger's Park Avenue apartment ever since.

In 1981, Mrs. DeWeerth's nephew learned about the Monet's appearance at the Wildenstein exhibition, and the judicial saga of the Monet's disputed ownership began.

First, Mrs. DeWeerth took Wildenstein to court when Wildenstein refused to disclose the Monet's purchaser or the painting's whereabouts. A New York State court ordered Wildenstein to reveal Mrs. Baldinger's identity. Mrs. DeWeerth then demanded, in late 1982, that Mrs. Baldinger return the Monet; she refused.

Next stop: Federal Court in lower Manhattan. Judge Vincent L. Broderick ruled in April 1987 that the Monet be returned to Mrs. DeWeerth. He applied New York State law, since Mrs. Baldinger had purchased the Monet in New York (and the painting was still in that state). He rejected Mrs. Baldinger's assertion that Mrs. DeWeerth had not tried diligently to discover her painting's whereabouts. He also rejected the defense's contention that the three-year statute of limitations on recovering the paint-

ing would have run out years before; the New York statute did not begin running, the judge said, until Mrs. DeWeerth had located her picture and demanded it back, and Mrs. Baldinger had refused. What's more, said the judge, between 1945 in a castle in southern Germany and its next appearance in 1950s Switzerland, the Monet was a stolen item, and a thief cannot pass good title. (See "New York Judge Orders Return of Monet to WW II Victim," *IFARreports*, July 1987.)

Then the case travels upstairs in the lower Manhattan courthouse to the federal Court of Appeals for the Second Circuit. A three-judge panel in December 1987 reversed Judge Broderick. It read New York law to require that an owner exercise "due diligence" in trying to locate her property to postpone the running of the statute of limitations. Writing for the panel, Judge Jon O. Newman, the circuit's chief judge, said Mrs. DeWeerth had failed this test, although from 1945 to 1957 she had filed numerous reports with Allied and West German authorities and had even enlisted her lawyer and an art expert in the search. (See "Court of Appeals Reverses *DeWeerth* Decision," *IFARreports*, January 1988.) The U.S. Supreme Court declined to review the decision.

This might have been the end of the matter (and a near-fatal blow to most efforts to recover stolen art), except for three things: The appeals judges had never asked the New York judges just how the law was to be read; the elderly Mrs. DeWeerth's apparent iron-willed determination; and *Guggenheim v. Lubell*.

Guggenheim involved a Chagall gouache that disappeared from a Guggenheim museum storeroom, apparently stolen, in the late 1960s. Rachel Lubell and her husband purchased it from a Madison Avenue gallery in 1967. They displayed it in their home for 20 years. When the Guggenheim learned that Mrs. Lubell had the gouache, it demanded (in 1986) that she return it. Mrs. Lubell countered (arguing along the lines of the *DeWeerth* reversal) that the museum had not used reasonable diligence in trying to track down the work, and thus the statute of limitations had run.

Not so, said the New York Court of Appeals, the state's highest court. Its seven judges declared unanimously in early 1991 that the statute does not start to run until the true owner demands her goods back and the person who possesses it refuses to turn it over. As for the Second Circuit's decision in *DeWeerth*, the New York court said it should not have imposed a duty of reasonable diligence on the owner of stolen art when reckoning the statute of limitations. (Mrs. Lubell and the Guggenheim settled their case out of court in September 1993.)

Back to the federal Second Circuit go Mrs. DeWeerth's attorneys, *Guggenheim* in hand. The Second Circuit declined to change its mind. Back to Judge Broderick's courtroom went the DeWeerth attorneys. Once again, the judge agreed with Mrs. DeWeerth and said the painting should be returned to her. (See "DeWeerth Reversed Again," *IFARreports*, November 1992.)

Federal courts are bound to follow state laws (and state legal decisions) when dealing with questions of state law, Judge Broderick pointed out. State judges, after all, "are often more knowledgeable in applying the intricacies of state law and policy than their federal counterparts," Judge Broderick wrote. Where a court applied the law wrongly, even a trial judge may, under "extraordinary circumstances," throw out a judgment of a higher court, in this case the Second Circuit's. Then Mrs. DeWeerth would get her painting back, and Mrs. Baldinger would have to seek redress against Wildenstein & Co., which she had brought into the case. (One of the unanswered questions in the case is what Wildenstein knew about the Monet's history when it sold the painting to Mrs. Baldinger.)

Back to the Second Circuit went the attorneys for Wildenstein and the equally determined Mrs. Baldinger. A different (but divided) panel of three judges once more reversed Judge Broderick. He was not wrong to consider Mrs. DeWeerth's motion seeking relief from the appeals court's final judgment (that is, award her the painting) even though the appeals court had rejected that motion, the panel said. But the panel said in its decision this May that the trial judge had abused his discretion by granting the motion.

She was not entitled, the panel said, to reopen a federal court case just to take advantage of a newly announced state court decision.

It reasoned, wrote Judge John M. Walker Jr., that Mrs DeWeerth had made her choice of forum—that is, had brought her case in federal court instead of state court—and thus was stuck with the consequences. She was not entitled, the panel said, to reopen a federal court case just to take advantage of a newly announced state court decision. Mrs. DeWeerth argued that the *Guggenheim* decision did not change state law at all, merely reaffirmed and clarified a long-settled rule; yes, said the federal appeals court, but it wasn't settled beforehand whether "due diligence" should be part of that rule. Thus it was up to the federal court to make its "best effort" to predict how a state court would resolve a state issue.

The dissenting judge, Richard Owen, was not swayed by this reasoning. He pointed out that the "unsettled" issue

has been a non-issue in New York law at least since 1874, so there was no reason to make it an issue (until the first group of federal appeals judges had done so). Where the New York courts had weighed the issue of recovery by a rightful owner against a good-faith purchaser, invariably they had said: The clock on the statute of limitations doesn't start ticking until demand is made and the possessor refuses.

What are the consequences of this latest in a long line of contentious and complex decisions? Mrs. DeWeerth, who turned 100 this year, is not giving up her legal battle. Her attorney, Joseph D. Becker of New York, told *IFARreports* on June 1 that he had petitioned the Second Circuit on May 26 for a rehearing en banc—that is, he asked all the judges on the appeals court bench to hear the appeal together and render yet a third decision. Mr. Becker said that he expected a decision on the rehearing this June. His next step after that, should Mrs. DeWeerth lose again, is a second attempt to appeal the case to the U.S. Supreme Court.

"We think that they got it wrong, again," Mr. Becker said of the Second Circuit's ruling last month.

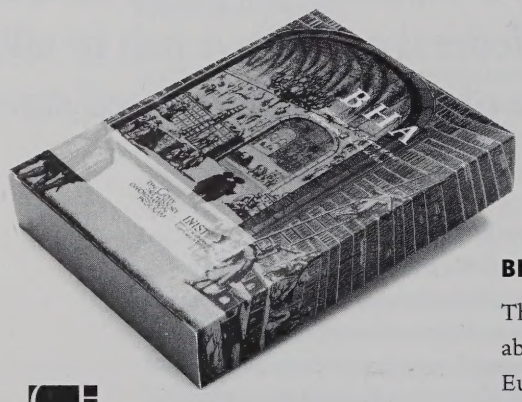
Had Mrs. DeWeerth brought her lawsuit originally in the New York State courts, Judge Broderick observed, her claim would have been timely. Now, however, the state court avenue is closed off, the issue having been fully litigated, twice over, in federal court. Because of legal procedural questions (a German citizen suing a New York resident). Federal court was the logical forum, but Mrs. DeWeerth may pay the price for the federal judges' misreading of New York law.

As for future litigants confronted with *DeWeerth v. Baldinger*, the ruling may not prove daunting for plaintiffs whose prior "due diligence" was less than the superhuman effort envisioned by Judge Newman. For one thing, the New York Court of Appeals has put the federal judges on notice as to what New York law is, so that next time they do not have to guess, and guess wrong.

(*IFARreports*, May/June 1994)

The literature on Western art at your fingertips

New from the Getty



BHA CD-ROM, 1999 Edition

The *Bibliography of the History of Art (BHA)* is the world's most comprehensive abstracting and indexing service for current literature on the history of art in Europe and the New World. It surveys the visual arts and material culture from late antiquity to the present.

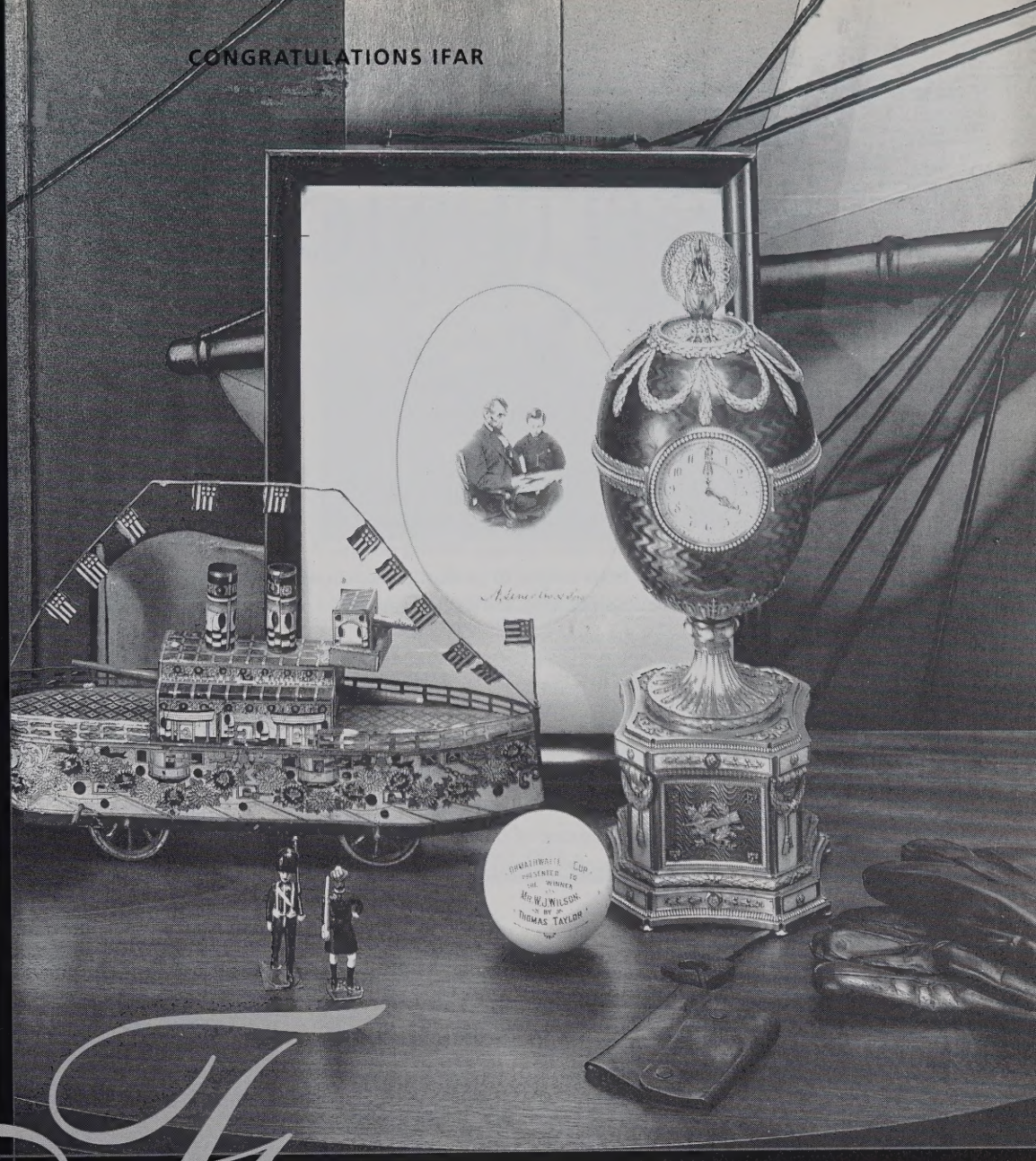
The new 1999 CD-ROM, an annual publication for use with either Windows 3.1 or Windows 95, provides instant access to over 1,500 journals, books, exhibition catalogues, and conference proceedings. Interface and index terms are available in either English or French.

ISBN 0-89236-400-9
Institutions: $700.00
Individuals: $195.00

Current *BHA* subscribers:
Institutions: $595.00
Individuals: $195.00

Getty Trust Publications
800 223-3431 Phone
310 440-7333 International
818 779-0051 FAX
www.getty.edu/publications

CONGRATULATIONS IFAR



Free

12 Fabergé Eggs • 500 Toy Boats
12,000 Toy Soldiers

Rare autographs, priceless paintings, trophies, and dozens of jeweled treasures made for the Czars.

All on view at
The FORBES MAGAZINE GALLERIES
62 Fifth Avenue (at 12th Street) New York, N.Y. 10011

Tuesday through Saturday, 10am to 4pm. Thursdays for advance reservations and groups. For information call (212) 206-5548

Admission: FREE

WORLD WAR II RESTITUTION ISSUES

Although to the general public, World War II issues have only come to the fore in the last few years, with highly publicized cases in Seattle and Chicago, among others, IFAR's members have been treated to in-depth discussions of these complex issues since 1979, IFAR's first year of publication.

THE ELIÇOFON CASE

In December 1979, IFAR devotes the first of what will become many articles to World War II restitution issues. At the time, the landmark civil case of the *Weimar State Picture Gallery v. Edward Eliçofon* is working its way through the U.S. court system.

To summarize: in 1946, Mr. Eliçofon purchased two unsigned and, to him, unknown portraits for $450 from a young ex-U.S. serviceman. Many years later, Eliçofon learned that the portraits were by the great German master, Albrecht Dürer, and still later, in 1965, that they had been taken from a storeroom in Weimar, Germany in 1945, where they had been put for safekeeping by the Weimar State Picture Gallery. In 1966, Mr. Eliçofon announced that he owned the paintings, and thus began an ownership battle that played out in U.S. courts for the next fifteen years. The battle was complicated by the fact that the U.S. did not initially have relations with the German Democratic Republic, where Weimar was situated, and the Grand Duchess of Saxony-Weimar, whose husband's family had entrusted the paintings to the museum in the 19th century, also put in a claim. Eventually, the paintings were awarded to East Germany. IFAR readers could follow the different stages of the legal dispute and read in-depth reports in layman's language.

Vol. 1 / No. 10 / December 1979

Art Theft Archive *Newsletter*

Recovery and Restitution: Active Issues in the Political Arena

Since the early 1970's, there have been two important legal matters pending in the United States, the determination of which could have an extremely significant impact on the domestic and international art market. The first is the proposed legislation to implement the 1970 Unesco Convention on cultural heritage, which has been stalled in the House of Representatives since the Convention was ratified in 1972. The second is the outcome of a civil case in New York, in which the German Democratic Republic is suing a New York private collector, Edward Elicofon, for possession of two portraits by Albrecht Dürer, which were stolen from the museum in Weimar, Germany during World War II, and acquired by Elicofon in 1946. A decision in this case would update the 1964 decision of *Menzel v. List*, which awarded a painting stolen in World War II to its previous owner, thus affirming the enduring title of a stolen object, even when the object has passed into the hands of a bona fide purchaser.

Hearings on the former legislation, HR 3403, were held in September. The prevailing feeling of those attending the hearings was that, while the United States should participate in international efforts to stop the looting of artifacts, the proposed bill would not significantly alter the world situation which allows cultural property abuses to occur, unless other art-importing nations responded with similar legislation. Likewise, as counsels involved in the Elicofon dispute anticipate renewed activity in the case in the near future, questions arise as to whether the judgement of this case will provide a clarification as to the ownership of works looted from European museums in World War II, as well as other objects that have been missing for substantial periods of time. The outcome of this case will directly affect the disposition of several other paintings with similar histories, which are presently rumored to be available on the art market.

Both these issues call forth the inequities of laws controlling cultural heritage in different countries and illustrate the need for an international standard by which claims relating to important cultural heritage can be handled. In recent months, there has been evidence of activities on several fronts which, while on the surface they appear disparate and even conflicting, have as their common purpose the creation of a practical and orderly process for the hearing and settlement of such claims. These developments are summarized below.

Unesco

A resolution introduced by Zaire and adopted at the Unesco General Conference in 1978 has led to the formation of an Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of origin or its Restitution in case of Illicit

International Foundation for Art Research, Inc., 46 East 70th Street, New York, N.Y. 10021

Stolen Art Alert, June 1981

A Dürer Diptych is Awarded to East Germany

In the summer of 1945, following the surrender of Nazi Germany, an important part of the collection of the State Picture Gallery in Weimar was in storage at the Schwarzburg Castle, where it had been sent as a security measure in the event of bombing. The castle was occupied by U.S. forces, but German museum professionals were allowed to visit the storage areas occasionally to ensure the safety of the collections. On June 27, a week before the departure of the U.S. forces, Dr. Walter Scheidig, director of the Weimar gallery, visited the castle. Unlike at his previous visit, on June 12, when all was in order, he found the conditions in the storeroom "frightening." "Paintings had been removed from the racks," he later testified, "and were lying about the room; cabinets were forced open." He noted that two hinged portraits by Albrecht Dürer, depicting Hans Tucher and his wife Felicia, were "not any more in their old place and could, for the time being, not be found."

This June 12, a full 35 years after the event described by Dr. Scheidig, a Brooklyn judge has awarded the same two Dürer paintings to the Weimar gallery. His decision is a long-awaited event. It brings to culmination a 15-year legal battle by the East German government for the possession of these two small masterpieces. Various people had pinned their hopes on the outcome of the litigation: Edward I. Eliçofon, a New York collector who bought the paintings in 1946 for $450; a German duchess who claims hereditary rights to the paintings, which were loaned to the Weimar gallery over a century ago by the Grand Duke of Saxony-Weimar; and informally, the owner of at least one major New York art gallery who hoped to sell the works, now valued at $10 million. The art world and its legal advisers have also followed the case carefully for a clarification of the crucial question of how the statute of limitations affects the recovery of stolen works of art which have been missing for long periods of time.

Now, Judge Jacob Mishler of the U.S. District Court of New York, Eastern District, has summarily set aside Mr. Eliçofon's claims of ownership and ruled that he "could not have acquired title to the paintings," since the conditions surrounding their disappearance "leave no question that the paintings were stolen."

Judge Mishler's decision upholds the precedent of recent cases. He has ruled, in effect, that neither the principle of adverse possession (the holding of property against the owner's

Continued p 2

Albrecht Dürer. *Portrait of Hans Tucher.* Awarded with its companion portrait to East Germany after a landmark ownership dispute.

Albrecht Dürer. *Portrait of Felicitas Tucher.*

January 1980

Stolen Art Alert

Formerly ART THEFT ARCHIVE Newsletter — *Volume 1/Number 1/January 1980*

DRESDEN TINTORETTO SEIZED IN NEW YORK

A painting believed to be a work by Tintoretto, looted from the Dresden Art Gallery during World War II, was seized in December by Federal agents in New York. An Israeli art dealer identified as Rajmond Vinokur, 42, of Tel Aviv, has been arrested and will be charged with possession of stolen property which was transported in foreign commerce, which carries a maximum penalty of ten years in prison, a fine of $10,000, or both.

The painting, representing the *Holy Family with St. Catherine and a Donor,* surfaced in Europe about six months ago, and was offered to at least one reputable art dealer who believed the German title to it might have expired. The painting was rumored to have been exported recently from Russia by a family emigrating to Israel. If this account is correct, the painting may be presumed to have been in private hands since it was carried off, along with other Dresden treasures, by Russian soldiers. It was published as one of about 350 works missing from Dresden after the war in Marianne Bernhard and Kurt Martin, editors, *Verlorene Werke der Malerei in Deutschland in der Zeit von 1939 bis 1945*... (Munich, Ackermanns Kunstverlag, 1965, p 106), a standard reference to German museum losses in World War II.

The painting was brought to the United States sometime in November, where it was offered to an undercover agent posing as an art buyer, and was later seized.

The East German government has expressed an interest in recovering the painting. The case is before the grand jury, and it is not yet known whether a statute of limitations or post-war treaty will interfere with the return of the painting to the East German museum.

Stolen Art Alert, October 1984

World War II Art Losses Still Surfacing

Every few months IFAR receives a call about a work of art that a serviceman retrieved from smoking ashes in Italy or France, or purchased from a fleeing German officer in Holland or Belgium at the end of World War II. The caller is often a lawyer who will not identify his client. The object of the call is to determine whether his client can now freely dispose of this work of art, which he believes to be both very valuable and instantly recognizable to anyone in the art world. What are his rights, more than thirty years after the final settlement of hostilities?

There is no easy answer. Usually the object proves to be of so little importance that IFAR eventually advises the lawyer that his client can safely abandon his fears of being pursued in court, along with his hopes of financial gain. But this is not always the case, and whenever an important lost treasure reappears, it reopens the difficult question of who is entitled to it. The recent case involving Hebrew manuscripts sold at Sotheby's, and known to have been the property of the Hochschule fur die Wissenschafi des Judenthums (College for the Scientific Study of Jewish Culture) in Berlin, is perhaps the most complicated and morally fraught example.

When Sotheby's announced its Judaica sale last June, the Jewish Restitution Successor Organization and the Anti-Defamation League of the B'nai B'rith protested. They expressed concern over 33 of the seminary's rare books and manuscripts, dating from the 13th to the 19th centuries, which many had thought were destroyed by the Nazis. The sale included the oldest Hebrew Bible from Prague.

New York State Attorney General Robert Abrams brought suit against Sotheby's to gain more information on the consignor's identity. If the documents had been stolen by Nazis, as some speculated, they would not have clear title. Sotheby's would not reveal the consignor's identity other than to say that the material "always has been in Jewish hands." Despite efforts to prevent the auction, it took place as scheduled on June 26, netting $1.45 million. Both the New York City Commissioner of Consumer Affairs and a Supreme Court judge decided against ordering the sale canceled. However, on August 27, Judge Robert E. White ruled that Sotheby's hold the proceeds due the consignor, whose name surfaced after the lawsuit was filed. The judge also told both sides to prepare for a trial to determine who has title to the material.

Dr. Alexander Guttmann, now professor emeritus at Hebrew Union College in Cincinnati, was a faculty member at the Hochschule during the war. He said that the seminary's chairman, Heinrich Veit Simon, asked him to smuggle some of their rare books and manuscripts out of Germany. "Dr. Veit Simon emphasized that because of the enormous risk, any such books or manuscripts that I did remove and thereby save from the Nazis would belong to me," said Dr. Guttmann. Dr. Simon and others who helped remove the books from the library are now dead.

This case pertains to a U. S. Military Government Law (No. 59) which stipulates that "any Jewish property which was transferred during [the period between January 30, 1933 and May 8, 1945] is presumed to have been transferred by the Jewish owner under duress and against his will, unless the presumption can be rebutted. Such presumption may be rebutted by, for example, proof that sufficient consideration was given to the Jewish owner in return for the property that was transferred or that the transaction would have taken place even if the Nazi Government had not been in power." It also provides that a non-profit group in New York, the Jewish Restitution Successor Organization, may claim the rights and property of a Jewish institution that was dissolved by the Nazis. The rabbinical seminary, later renamed Lehrenstalt, was closed by the Nazis in 1942.

The attorney general's lawsuit seeks to void the sale and restore the objects to "institutions serving the ultimate charitable beneficiaries of the Hochschule or its successor organization." It names Sotheby's, Dr. Guttmann, and the buyers as defendants. The attorney general also states that the Hochschule's certificate of incorporation required the consent of three board members for transferring title of any books.

Sotheby's lawyers argue that the burden of proof is on Attorney General Abrams to show that Dr. Simon did not consult with other board members. They also claim that Mr. Abrams is misrepresenting the military law, which was "intended to apply only in special German tribunals created for the benefit of Jewish survivors of the horrors of the Nazi regime." Just before the auction two of the most important works were sold to the Jewish Theological Seminary in New York, which is not named as a defendant in the suit.

Trying to put the issue into perspective, Sotheby's president John Marion compared it to the auctioning of ancient Chinese tomb decorations and Italian old-master paintings. "I understand the emotional upheaval that's going on, but this type of sale has taken place for centuries, and similar discussions have taken place. In the case of old-master paintings, most of the religious paintings were at one time or another in a cathedral or church setting. But it's not our position to get into all of that."

continued p. 4, col. 1

THE QUEDLINBURG TREASURE

Years later, IFAR focuses its attention on another, very different, WW II case involving an ex-U.S. serviceman, which has become known as The Quedlinburg Case. In 1945, Lieutenant Joe Tom Meador stole priceless medieval church treasures belonging to the Church of Quedlinburg in East Germany from a mineshaft where they had been put for safekeeping and where the U.S. Army was supposed to be guarding them. Upon his release from the military, Meador sent the objects to Texas, where he showed them to family and friends. When Meador died in 1980, his family tried to sell the treasures. Eventually they "ransomed" them back to the German government in 1992, getting close to $3 million. But IFAR was not happy with that outcome and used its editorial discretion to object to the precedent set by the German government in "paying" to get back what it rightfully owned. The full case is well documented in the book on the subject by William H. Honan, of *The New York Times*, who later gave a talk for IFAR on the subject.

IFARreports, February/March 1992

IRS Rules Estate Taxes Are Due on Quedlinburg Treasure

The Comb of Henry I, *8th-10th century, ivory with gold and jewels.*

A fascinating ruling was recently published by the Internal Revenue Service. In Technical

joyed for many years after the Decedent's death by his heirs but that, for an optimum sales price, could only be sold in an underground art market rather than in the legitimate retail art market?

(3) Is any deduction allowable under section 2053 (a) (3) of the Code for the stolen property claims that were filed against the estate heirs ten years after the Decedent's death?

In its attempt to develop a rationale for its answers to these questions, the Service discussed generally the laws of various jurisdictions relating to stolen art. It found that "in certain foreign countries, after a short statutory period has elapsed, a stolen art object becomes the legal property of the person in possession of it. Consequently, stolen art objects are frequently transported to these countries and thereafter sold with good title."

The ruling then examined the law in Texas, the jurisdiction to which the GI had returned and where his family live. It found that

Quedlinburg Settlement Leaves Fate of Meador Heirs Uncertain

On March 7, the Dallas Museum of Art opened an extraordinary exhibition of medieval church treasure stolen in Germany in 1945 by an American soldier from Whitewright, Texas. Lieut. Joe Tom Meador died in 1980, and his heirs, a brother, Jack Meador, and a sister, Jane Meador Cook, have now agreed to return what he took, making the exhibition possible. Included in the agreement are several reliquaries of rock crystal in gold

through a Bavarian dealer in rare manuscripts a "finder's fee." Others called it ransom and believe the decision to succumb to extortion is a fundamental mistake that sets an expensive precedent for the return of other stolen art. Rewards and finder's fees are often useful in recovering stolen art, but they are properly paid to persons who can provide information leading to the recovery of the art as well as to the identity and prosecution of the

SPOILS OF WAR CONFERENCE OF 1995 AND U.S. STATE DEPARTMENT ROUNDTABLE, 1998

World War II restitution issues remain a focus of IFAR in the 1990s, and will continue to do so. In 1995, IFAR's Executive Director, Constance Lowenthal, participates on the organizing committee of the landmark Spoils of War conference hosted by the Bard Graduate Center for Studies in the Decorative Arts. And carrying on the tradition, in 1998, IFAR's new Executive Director, Sharon Flescher, participates in a Roundtable organized by the U.S. State Department to advise Under Secretary of State, Stuart Eizenstat, on U.S. policy on restitution issues.

The pages of *IFARreports* and the *IFAR Journal* are replete with analyses of WW II cases working their way through the legal process and the court of public opinion: The two-year dispute between the heirs of Friedrich Guttmann and Chicago businessman Daniel Searle over ownership of a Degas monotype-pastel, which is settled out-of-court in 1998; the dispute over a Matisse *Odalisque* claimed by the heirs of the French art dealer, Paul Rosenberg, and bequeathed to the Seattle Art Museum by Mr. and Mrs. Prentice Bloedel—settled when the museum returns the work to the Rosenberg family in 1999; and the 16th century miniature paintings returned to Kassel, Germany in 1998 after a long battle over ownership.

Quedlinburg Treasure. Reliquary Flask in the form of a fish. Rock crystal, gilt silver mounts.

Quedlinburg Treasure. Cover of *Samuhel Gospel*, 10th century. Wooden core with gilt silver, precious and semi-precious stones, and pearls.

The world leader in fine art insurance.
A global financial powerhouse.

As the leading authority in the protection, preservation and insurance of fine art and collectibles, AXA Nordstern Art Insurance Corporation insures the world's finest collections. And as a member of the global AXA Group (which includes The Equitable, Alliance Capital and DLJ and has $650 billion* in assets under management), we offer the clout of one of the world's largest financial services companies. For more information, please call 1-877-AXA-4-ART.

Nordstern
ART

NEW YORK CHICAGO DALLAS BEVERLY HILLS

AXA Nordstern Art Insurance Corporation is solely responsible for its own obligations.

*As of 12/31/98

CULTURAL PROPERTY ISSUES

Vol. 1 / No. 4 / April 1979

Art Theft Archive *Newsletter*

McClain Appeal Decided

An equally prolonged U.S. case, involving five dealers who were convicted of dealing in smuggling pre-Columbian objects, has been decided, but legal commentators feel that the essential questions in the case are unresolved.

Patty McClain *et al.* were arrested in 1975 for possession of smuggled pre-Columbian ceramics, which Mexican authorities alleged were stolen, simply by virtue of their illegal export. The dealers were convicted of grand theft and conspiracy, but this

Stolen Art Alert

Volume 2 Number 8
October 1981

The *Stolen Art Alert* is published ten times a year by the International Foundation for Art Research.

US-Peruvian Agreement on Cultural Property

An agreement between the United States and Peru was signed on September 15, 1981, which will considerably reduce the ease with which Americans can import antiquities and other cultural property from Peru.

Ms. Armstrong described three ways in which the Executive Agreement might be used:

1. In the instance of a customs violation in importing Pre-Columbian cultural property, where forfeiture is

IFARreports

Volume 16, Number 4
April 1995

and The Art Loss Register

U.S.—El Salvador Accord on Imports

Tohil Plumbate cylindrical vase with effigy decoration, Early Post-Classic Period (circa A.D. 900-1200).

On March 8 in Washington, DC, the U.S. and El Salvador signed a Memorandum of Understanding, an agreement restricting U.S. importation of certain categories of pre-Hispanic archeological material unless accompanied by an

Who owns culture? Who decides? How do we protect artistic heritage? And, in a world of open borders, how do we reconcile the conflicting international laws governing these issues? These are questions of enormous importance today. But at IFAR they have been of concern and debated for almost 30 years. In 1970, one year after IFAR's founding, UNESCO, in an attempt to come to grips with this issue, adopted its Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, generally known as the UNESCO Convention. It was opened for signature in November 1970 and was entered into force on April 24, 1972. Although the United States was a signatory—to date, the only major "collecting" country that is—Congress did not pass the implementing legislation until 1983. The debate over passage of the legislation, as outlined in IFAR's pages, was contentious. The different factions of the art community—collectors, museums, archaeologists, scholars—staked out positions, and the resulting legislation reflects a compromise. But the issues were not settled in 1983. One cannot help but be struck today, when the debate has renewed currency, by the similarity of the concerns and the continued intensity of the rhetoric.

When the U.S. passed the implementing legislation, it established the President's Cultural Property Advisory Committee to review requests from foreign Convention-member countries for U.S. help in stopping the flow of their artistic heritage. IFAR's current Chairman, Jack Josephson, is a former Chair of the Advisory Committee.

From its earliest publications, IFAR's audience has been treated to intelligent discussions of these *difficult* issues. As a nonprofit organization with no property to claim and a diverse audience to serve, IFAR has tried to shed a bright and even-handed light on the issues.

On its pages and in its programs, IFAR has tackled many difficult cultural property topics, including:

- The McClain decision, upheld on appeal in 1979, wherein a U.S. Court effectively enforced Mexico's law vesting ownership of antiquities in the government and making illegal export tantamount to theft from the State. Many people in the art world had hoped that the appellate court would review the validity of the lower court's ruling, but the appellate court based its decision on other matters and left the central issue of whether this was "theft" untouched. The decision sparked a debate on IFAR's pages and elsewhere that still reverberates today.

- The pros and cons of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, opened for signature in June 1995 but, as of 1999, not ratified by the United States, and very much debated. UNIDROIT, a Rome-based organization of 50 nations intent on reducing the trafficking in cultural heritage, designed its Convention to succeed where it believed the UNESCO Convention of 1970 had not. Whether it will remains to be seen.

- Statutes of Limitations: Few things better illustrate the complexity of cultural property issues and law enforcement than the varying statutes of limitations governing claims of ownership. The statutes vary from state to state, as well as from country to country. Over the years, IFAR has felt the need to elucidate these differences again and again, as recently as Fall 1998, with Lawrence Kaye's overview of the subject in *IFAR Journal.*

Art Research News

Volume 2 Number1/1983

Art Research News is the membership publication of the International Foundation for Art Research.

International Protection of Cultural Property

Afternoon Papers of the Symposium held October 17, 1980: Legal Protection of Cultural Property

For more than a decade, one of the most charged issues confronting international cultural politics has been the question of how best to defend the world's archaeological and ethnographic heritage against the menaces of modern civilization — the destruction caused by urbanization, agricultural development and environmentally-induced decay; and especially the looting of sites to supply objects for the world market. This latter question has been exhaustively debated, exposing in a relentless way the fundamental differences between attitudes, values, and national styles in the developed and the developing parts of the world, without reaching any significant resolution.

One of the foci of the debate has been the Convention established by Unesco in 1970 as an instrument meant to encourage cooperation toward the common goals of securing important cultural property against illicit activity. Despite its admitted failure to establish any international legal norms in the area, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Import, and Transfer of Ownership of Cultural Property has been the most important step taken on an international level to help solve the problem. The papers presented here, which concern domestic legal protection of cultural property, are devoted principally to evaluating the responses to the Unesco Convention in the United States, Canada, and Europe. A fourth paper considers the question of how to rebuild a cultural policy in China, a country that has lacked any cogent cultural direction for several decades, and whose current priorities reflect other more pressing concerns.

In 1979, I happened to be taking a walk near the historical Hua Qin Hotsprings on the outskirts of Xian and came upon an incredible neolithic site, Jiang Zhai. . . . Even as I marvelled at this magnificent find, workers were re-covering the pits with earth. I was told that the site was too large to be excavated at the present time because of shortage of manpower, and because the land belongs to the farmers in the area and is needed for growing food. Thus grain was again planted only several feet above an extensive neolithic community. Shirley Sun

Art Research News

Volume 1 Number 2 / 1981

Art Research News is the quarterly membership publication of the International Foundation for Art Research

International Protection of Cultural Property

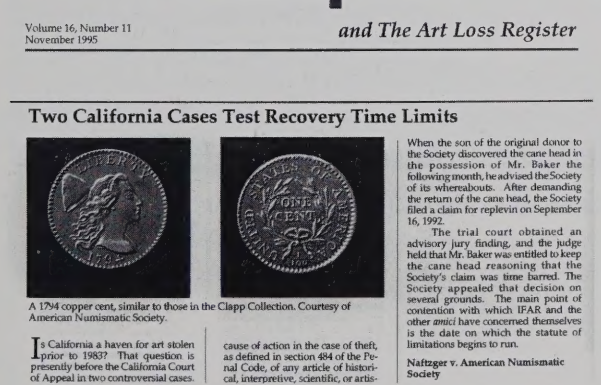
Morning papers of the Symposium held October 17, 1980 Dedicated to Chester F. Gorman

In 1970 Unesco focused its attention on a problem that many nations of the world considered to be their single most pressing cultural concern: the great increase in looting of archaeological sites by commercial plunderers. The countries that appealed to Unesco asked for the establishment of a mechanism that would exert control on the international market in antiquities and ethnographic material as well as help to discourage local clandestine activity. In 1970, a Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property was adopted. Ten years later, 44 nations have ratified Unesco's Convention, indicating the continued importance and relevance of this issue in the parts of the world that originally called for action. But the effectiveness of the Convention has been limited by the fact that almost no art-importing nations have joined it. Of all the Westernized free-market countries, only Italy and Canada have responded, and these two countries' responses are no doubt partly the product of their concern about the loss of their own archaeological material.

In the first years following the establishment of this Convention, a leadership position was taken by the United States, where the Convention was ratified by the Senate. Since that time, however, the efforts to pass requisite domestic enabling legislation have flagged, and the tenor of discussions about the participation of the United States in this treaty has become one of increasing hostility.

Continued p 2 col 2

Looters' pits near Ban Chiang



IFARreports

Volume 16, Number 11
November 1995

and The Art Loss Register

Two California Cases Test Recovery Time Limits

A 1794 copper cent, similar to those in the Clapp Collection. Courtesy of American Numismatic Society.

Is California a haven for art stolen prior to 1983? That question is presently before the California Court of Appeal in two controversial cases.

cause of action in the case of theft, as defined in section 484 of the Penal Code, of any article of historical, interpretive, scientific, or artis-

When the son of the original donor to the Society discovered the cane head in the possession of Mr. Baker the following month, he advised the Society of its whereabouts. After demanding the return of the cane head, the Society filed a claim for replevin on September 16, 1992.

The trial court obtained an advisory jury finding, and the judge held that Mr. Baker was entitled to keep the cane head reasoning that the Society's claim was time barred. The Society appealed that decision on several grounds. The main point of contention with which IFAR and the other *amici* have concerned themselves is the date on which the statute of limitations begins to run.

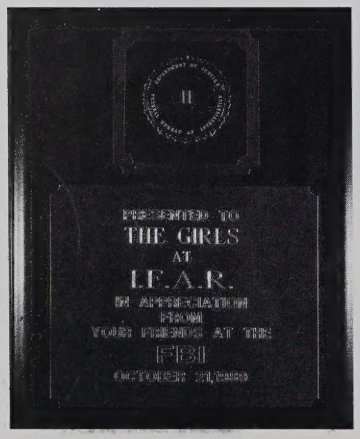
Naftzger v. American Numismatic Society

THE U.S. GOVERNMENT COMES CALLING

The FBI, U.S. Customs, the DEA, and the U.S. Senate

Although IFAR is a scholarly nonprofit, separate from the government, and it has never received government funding, its links to government law enforcement agencies hark back to its earliest days. IFAR was, after all, established in the aftermath of government hearings and with a former Assistant Attorney General of New York State as a Founding Trustee. IFAR has worked closely with the FBI on both fraud and theft cases—including the Hartert, Dalí, and Benton forgeries already mentioned, and hundreds of thefts. At times, IFAR's authentication expertise overlapped with its interest in theft. In 1977, the FBI in Boston was investigating the possible theft of nine paintings being offered through a Canadian fencing operation. The FBI was prepared to buy one or more works in order to continue the investigation. It was anxious to determine both whether the works were authentic and whether they'd been reported stolen. IFAR identified the paintings as copies of well-known works in European museum collections. On the basis of that information, the FBI dropped the investigation.

IFAR has also worked closely with U.S. Customs, which has played an increasingly large role in the stolen art arena since 1983, when the U.S. passed the implementing legislation for the UNESCO Convention. Both the FBI and U.S. Customs have awarded IFAR certificates for service, which are proudly displayed in IFAR's offices (despite the FBI's "sexist" choice of words).



Plaque awarded by the FBI "to the girls of IFAR," 1989.

Customs agents presenting certificate to Constance Lowenthal, March 1987, in appreciation for IFAR's help in "combatting the illegal international art market."

U.S. Customs Service

has awarded this

CERTIFICATE OF APPRECIATION

to

INTERNATIONAL FOUNDATION FOR ART RESEARCH

Whose law enforcement-minded cooperation has directly lead to the recovery of numerous stolen artifacts. Its close liason with the U.S. Customs Service has been most appreciated in combatting the illegal international art market.

Presented March 18, 1987

Dennis R. Fagan
Special Agent in Charge/New York

Certificate awarded by U.S. Customs to IFAR, 1987.

THE DEA

In 1995, the United States Marshals Service asks IFAR to authenticate three paintings seized from members of a Cali Colombia drug cartel as part of a joint investigation by the Drug Enforcement Agency and the Internal Revenue Service into money laundering. It has often been said that art is a convenient means of laundering money, but rarely has this been so concretely shown as in this case, nicknamed "Operation Dinero." The government's investigation, a multi-year "sting," results in 88 arrests and the seizure of 9 tons of cocaine and millions of dollars in cash. Among the property taken are the 3 paintings submitted to IFAR: a watercolor "signed" by Picasso, a portrait of a gentleman attributed to Sir Joshua Reynolds (Fig. 1), and a portrait of St. Paul, purportedly by Rubens. Only the Reynolds turns out to be by the artist to whom it was attributed. Sir David Mannings, who is currently completing a catalogue raisonné on Reynolds and who examined the painting closely, confirms that it is an original portrait of the 1st Marquess Townshend, painted around 1767.

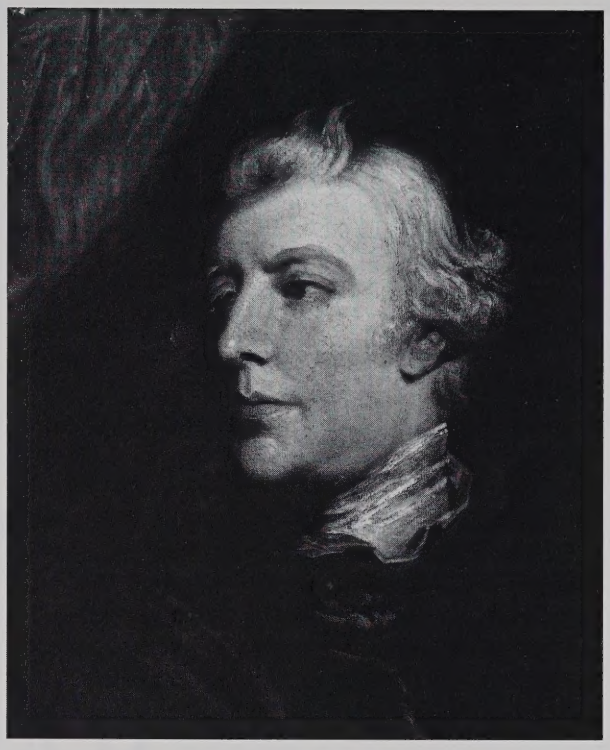


Figure 1. Sir Joshua Reynolds. *Portrait of the 1st Marquess Townshend,"* c. 1767. Oil on canvas. Authentication by IFAR for the DEA.

SENATOR EDWARD KENNEDY—VIOLENT CRIME CONTROL BILL: ART THEFT

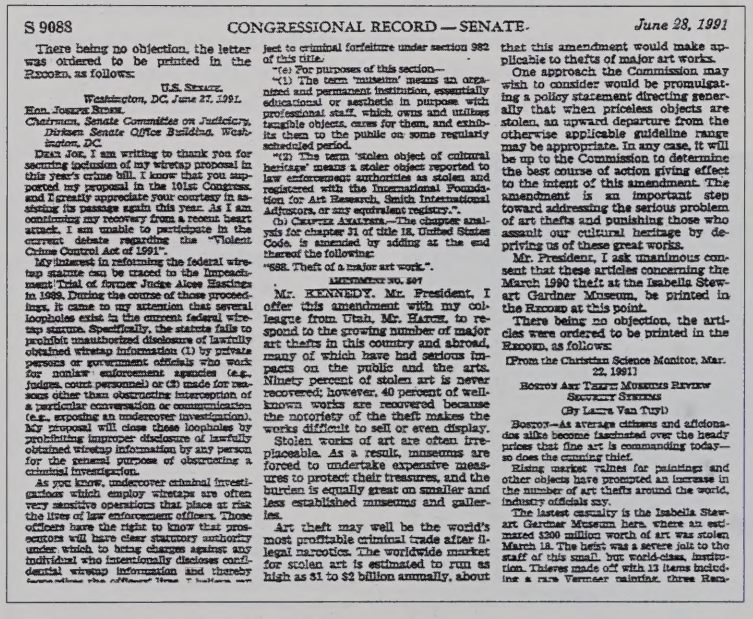
IFAR Written into the Congressional Record

In 1991, in the wake of the Isabella Stewart Gardner Museum theft, Senators Kennedy and Hatch shepherd through the Senate an amendment to the Violent Crime Control Bill, making the theft of art from a museum a federal crime. The House version of the bill is subsequently passed, and the bill enacted into law. Senator Kennedy's office consults IFAR in the course of this legislation, and IFAR was written into the bill:

> The term "stolen object of cultural heritage" means a stolen object reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry.

Although IFAR took issue with one provision of the bill, it strongly supported the legislation.

Congressional Record, June 28, 1991.



S 9088 CONGRESSIONAL RECORD — SENATE June 28, 1991

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 27, 1991.

Hon. JOSEPH BIDEN,
Chairman, Senate Committee on Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR JOE, I am writing to thank you for securing inclusion of my wiretap proposal in this year's crime bill. I know that you supported my proposal in the 101st Congress, and I greatly appreciate your courtesy in assisting its passage again this year. As I am continuing my recovery from a recent heart attack, I am unable to participate in the current debate regarding the "Violent Crime Control Act of 1991".

My interest in reforming the federal wiretap statute can be traced to the impeachment Trial of former Judge Alcee Hastings in 1988. During the course of those proceedings, it came to my attention that several loopholes exist in the current federal wiretap statute. Specifically, the statute fails to prohibit unauthorized disclosure of lawfully obtained wiretap information (1) by private persons or government officials who work for nonlaw enforcement agencies (e.g., judges, court personnel) or (2) made for reasons other than obstructing interception of a particular conversation or communication (e.g., exposing an undercover investigation). My proposal will close these loopholes by prohibiting improper disclosure of lawfully obtained wiretap information by any person for the general purpose of obstructing a criminal investigation.

As you know, undercover criminal investigations which employ wiretaps are often very sensitive operations that place at risk the lives of law enforcement officers. Those officers have the right to know that prosecutors will have clear statutory authority under which to bring charges against any individual who intentionally discloses confidential wiretap information and thereby

jest to criminal forfeiture under section 982 of this title.

"(e) For purposes of this section—

"(1) The term 'museum' means an organized and permanent institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public on some regularly scheduled period.

"(2) The term 'stolen object of cultural heritage' means a stolen object reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"668. Theft of a major art work.".

AMENDMENT NO. 507

Mr. KENNEDY. Mr. President, I offer this amendment with my colleague from Utah, Mr. HATCH, to respond to the growing number of major art thefts in this country and abroad, many of which have had serious impacts on the public and the arts. Ninety percent of stolen art is never recovered; however, 40 percent of well-known works are recovered because the notoriety of the theft makes the works difficult to sell or even display.

Stolen works of art are often irreplaceable. As a result, museums are forced to undertake expensive measures to protect their treasures, and the burden is equally great on smaller and less established museums and galleries.

Art theft may well be the world's most profitable criminal trade after illegal narcotics. The worldwide market for stolen art is estimated to run as high as $1 to $2 billion annually, about

that this amendment would make applicable to thefts of major art works.

One approach the Commission may wish to consider would be promulgating a policy statement directing generally that when priceless objects are stolen, an upward departure from the otherwise applicable guideline range may be appropriate. In any case, it will be up to the Commission to determine the best course of action giving effect to the intent of this amendment. The amendment is an important step toward addressing the serious problem of art thefts and punishing those who assault our cultural heritage by depriving us of these great works.

Mr. President, I ask unanimous consent that these articles concerning the March 1990 theft at the Isabella Stewart Gardner Museum, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 22, 1991]

BOSTON ART THEFT: MUSEUMS REVIEW SECURITY SYSTEMS

(By Laura Van Tuyl)

BOSTON—As average citizens and aficionados alike become fascinated over the heady prices that fine art is commanding today—so does the cunning thief.

Rising market values for paintings and other objects have prompted an increase in the number of art thefts around the world, industry officials say.

The lastest casualty is the Isabella Stewart Gardner Museum here, where an estimated $300 million worth of art was stolen March 18. The heist was a severe jolt to the staff of this small, but world-class, institution. Thieves made off with 13 items including a rare Vermeer painting, three Rem-

STOLEN ART ARCHIVE

Computerization: The 1980s

GETTY GRANT AND FORBES BENEFIT

By the mid 1980s, ten years after the launching of the Art Theft Archive, approximately 27,000 items are registered. Perhaps more importantly, the Archive has effected a sea change in attitude toward art theft. The public and "the field" now accept the need for an international clearinghouse of information on stolen art and for the sharing of information that once would have been considered privileged. But the Archive is growing too big for manual searching, although responses always come within 24 hours. With the help of a grant from the Getty Trust in 1983 and 1984, IFAR begins computerizing its records. The first stage of computerization is so successful that Interpol adapts IFAR's program for several of its own offices. In 1987, IFAR holds its *only* benefit event in its entire 30 years to raise funds to computerize the Archive. Forbes Magazine generously provides its galleries for a reception and private viewing. Christopher Forbes, Associate Publisher, *Forbes Magazine*, chairs the Honorary Committee, which includes Philippe de Montebello, Director, The Metropolitan Museum; John Walsh, Director, The J. Paul Getty Museum; and The Ambassador of Italy, Mr. Petrignani.

The Board of Directors of the
International Foundation for Art Research
requests the pleasure of your company
at a cocktail reception and private viewing of

The Forbes Magazine Galleries
to benefit IFAR's Art Theft Archive

Wednesday, October 21
6:30 - 8:30 p.m.
at
The Forbes Building
60 Fifth Avenue
(corner of 12th Street)

Art Theft Archive
The world's most comprehensive archive of stolen art records is maintained by the International Foundation for Art Research. The listings of 27,000 missing paintings, sculptures, antiquities, and decorative arts are helpful in effecting recoveries.

In the ten years since the Art Theft Archive was established, technological advances have made it imperative to computerize these records to close the net on the international traffic in stolen art.

Invitation to Benefit Event for the Art Theft Archive, October 21, 1987.

CREATION OF THE ALR, 1991

But, as a not-for-profit organization lacking an endowment, IFAR's ability to raise the enormous funds needed to develop a state-of-the-art computer system for its data base is limited. Moreover, a feeling exists on the part of some grantmakers that the commercial interests which most benefit from it, and not philanthropy, should support the Art Theft Archive. This leads IFAR to seek another way to fund the Archive, which by 1990 has grown to about 35,000 records. Several businessmen from England with years of experience in the insurance industry see the revenue potential in expanding the Archive and taking advantage of new and more sophisticated image data bases. Negotiations with IFAR lead to the creation in 1991 of a commercial venture called the International Art and Antiques Loss Register, better known as The Art Loss Register (ALR). Henceforth, venture capital rather than philanthropic dollars would expand and market the database.

IFAR enters into an agreement whereby it licenses to the ALR all its theft records (1977–1991) in return for which IFAR becomes a stockholder in the new venture, along with Sotheby's, 3i, and several insurance companies. By a separate agreement, IFAR becomes the Managing Agent in the United States for the ALR for the next 5 years, and the ALR's New York office is housed at IFAR. This arrangement serves several purposes. It provides continuity for the public; it allows the ALR to profit from IFAR's experience and credibility; and it permits IFAR to remain closely involved in a project that it has nurtured over a 15-year period. IFAR retains the right in perpetuity to publish its Stolen Art Alerts and have access to its stolen art records, for which it retains ownership and copyright, but it no longer does searches. In 1997, the management agreement ends. The two organizations are now completely separate—one a not-for-profit; the other a for-profit, but they work closely together. And as an educational organization, IFAR remains interested in ownership, title, and theft issues.

Congratulations to

IFAR

On the Occasion of its 30th Anniversary

WILDENSTEIN & CO., INC.
A Proud Supporter and Contributor

THE PRESENT & FUTURE IFAR

IFARreports, October 1986

A Modern "Assyrian" Bronze

A small bronze figurine was submitted to IFAR with the hope of verifying its alleged antique Assyrian origins which could have dated it to the first millennium B.C. According to the owner, this piece was discovered fifty years ago on his grandfather's property in southeastern Turkey. Several specialists in ancient art suspect that it is modern and for that reason the owner asked IFAR to provide a definitive date.

IFAR contacted two experts: one a noted scholar on Ancient Near Eastern art, and the other an experienced objects conservator. Both agreed that this bronze (19.1 cm. high) has all the characteristics of a modern work.

The figure is intended to represent a god; the horns are ancient symbols for divine strength and prosperity. However, the scholar observed that the figure does not conform stylistically to any known period or country adding that it "cannot be related to the past." According to the scholar, stylistically, "the tiered pattern on the garment does not conform to what one might expect in an ancient Assyrian work."

The scholar found other inconsistencies as follows: the moustache is uncharacteristically long; the beard is "too pointy"; the staring eyes are not what one would expect from this period or region; the right arm, held closely to the body, is too foreshortened; and there is an overall lack of precise modelling.

Although the scholar was convinced that the statuette is not antique, he advised that the piece be examined by a conservator in order to provide additional information on its age and technique through scientific analysis.

An objects conservator examined the statuette in his lab where it was x-rayed and tests were made to identify its components. X-rays showed that the piece was hollow cast in two parts, and that the inside core is regular and smooth, unlike the cores of antique bronzes which are rough and irregularly shaped. The conservator explained that the regular shape of the core indicated that a modern type of sand casting technique had been used. The x-rays also showed strips of what appear to be a brazing alloy (hard solder) that must have fallen into the core when the exterior seams were closed by modern day soldering. The conservator told IFAR that the two parts were "unquestionably put together with a modern brazing alloy," and that the "line of solder, once discerned, can easily be found by visual inspection beneath the patina on the surface." In addition, these small pieces of solder can be heard rattling around when the figure is shaken.

The conservator also tested the statuette with energy dispersive x-ray spectrometry (EDS), using an electron miscroscope. This showed that the metallic composition of the material holding the two parts together is similar to one of the standard commercial hard solders. A small sample was tested, showing it to be about 24% copper, 23% zinc, and 48% silver. The conservator knows of no other object using this type of composition before Roman times. In addition, he believes the "core pins" are modern, as they are too regular, not corroded, and they rattle like modern metal.

The EDS test also showed that the statuette itself is a tin bronze, a material used both in ancient and modern times. On the surface there is a layer of corroded green metal, its color indicating a large cupric (copper) component as one might expect for an ancient bronze. But, according to the conservator, one should expect to find a more integrated corrosion for a bronze of this purported provenance, and he believes that this bronze is "simply a case of accelerated (or artificially induced) corrosion by one of the many available methods of deliberate patination."

Furthermore, the conservator told IFAR that an antique bronze of this small size would normally be solid and not hollow cast as this one is, adding that in antiquity hollow casting was used almost exclusively for much larger pieces.

The scholar told IFAR that many forgeries of this kind were made during the 19th century and it seems clear from the evidence above that this statuette is not Assyrian, nor of any other period in antiquity. Stylistically and technically it appears to be a modern work.

Virgilia Heimsath Pancoast

4

Statuette of a god, said to be ancient Assyrian, but revealed by IFAR to be modern.

Profile of the statuette with visible soldered seams beneath the patina.

X-ray clearly showing the loose solder pins in the core.

X-ray revealing the regular and smooth outline of the core.

AUTHENTICATION

The growth of the Art Theft Archive and its attendant publicity has tended to overshadow IFAR's work in art authentication. But, throughout the years, IFAR has remained involved in this activity for which it was originally established. Of the approximately 600 works researched and examined by IFAR, the majority have turned out not to be by the artist to whom they were attributed; some were simple mis-attributions; others—like the "ancient" Assyrian bronze revealed under x-ray to be made by a modern sandcasting technique (see photos at left)—are clearly forgeries.

DISCOVERIES

IFAR has also been fortunate to uncover many previously unknown works by major artists. These include:

- A harbor scene by Eugène Boudin (Fig. 1), dated c. 1894, to which Boudin expert Robert Schmit immediately allotted a Boudin Archive number and later included in the second supplement to the Boudin catalogue raisonné.

- A fourth version of *The Horse Fair* by Rosa Bonheur (Fig. 2), apparently painted late in the artist's life, some 45 years after the original version that is now in the Metropolitan Museum of Art. Although the work has been very heavily overpainted and carelessly restored, it will be included in the forthcoming catalogue raisonné of the artist being prepared by Dr. Annie-Paule Quinsac.

- A Miró silk-screen on canvas, *El Sol* (Fig. 3), that turned out to be part of an ambitious quasi-commercial venture in 1949 involving Miró and several other important artists: Matisse, Calder, and Matta. The existence of this project to create large-scale, limited edition "mural-scrolls" was unknown to the world's great Miró scholar, Jacques Dupin, as well as to Miró's grandson, who congratulated IFAR on its discovery and research.

Figure 1. Eugène Boudin, *L'avant-port du Havre*, c. 1894. Oil on canvas. 18½ x 26". Authenticated by IFAR in 1990.

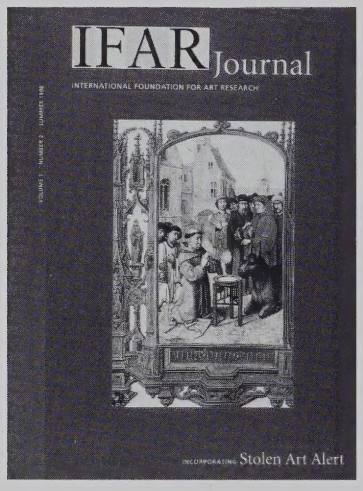
Figure 2. A fourth version of Rosa Bonheur's *The Horse Fair*, c. 1898. Oil on canvas. 49¼ x 104¼". Authenticated by IFAR in 1991.

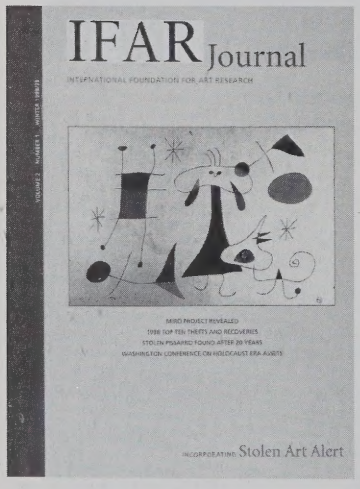
Figure 3. Joan Miró, *El Sol*, 1949. Silkscreen on canvas. 45 x 65". Authenticated by IFAR in 1998.

THE *IFAR JOURNAL*

In 1998, IFAR introduces the *IFAR Journal*, replacing its 10-times-per-year newsletter, *IFARreports*. The new format permits a broader range of topics and more in-depth articles from a wider array of people. Although the *Journal* has continued, indeed enhanced, the features that IFAR's audience has come to expect—the Stolen Art Alert, Art and the Law, IFAR's own authentication research, World War II art restitution issues, and all the stories about fakes and frauds—it has also introduced book reviews, an on-going series on websites, detailed analyses of the law, and scholarly articles related to connoisseurship and authentication. Current plans include features on "looking at" and "caring for" art, and possibly also a "Q & A" column to air the many questions that IFAR receives on a regular basis. As a new publication, the *Journal* is still a work-in-process, responsive to its readers' needs and wishes.

The *Journal* has subscribers in 18 countries, and they represent a broad cross-section of the art community. It has received grants from The Joe and Emily Lowe Foundation and The Eugene V. and Clare E. Thaw Charitable Trust.





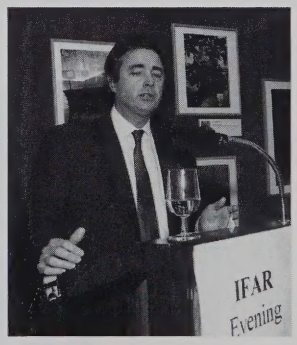
PROGRAMS AND PROJECTS

IFAR's 30th anniversary year has been a busy one, as is the year ahead. In 1998–99, IFAR offered an active program of talks and panels on "quintessentially" IFAR topics:

- True or False: Authenticating Egon Schiele—A talk by Jane Kallir
- The Jacob Lawrence Catalogue Raisonné Project—A talk by Peter Nesbett, accompanied by a tour of the corporate art collection of The Equitable Financial Companies
- The IRS, Art, and You—a talk by Karen Carolan, Chief of the IRS Art Advisory Services, with commentary by Ralph Lerner and Robert Dance
- The How, Why, and What of Art Insurance: A Panel Discussion.
- Art, Law, and Ethics: Theory and Practice—A talk by Kirk Varnedoe
- Copying Chinese Paintings: Forgery or Flattery?—A talk by H. Christopher Luce

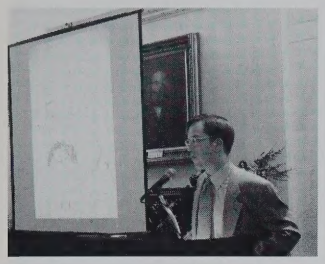
For the year ahead, in addition to its regular series of *IFAR Evenings*, IFAR, in collaboration with NYU, is organizing a full-day workshop/conference for April 29 devoted to Provenance and Due Diligence. This important conference will address the artistic and legal issues involved in establishing the provenance of a work of art and otherwise exercising due diligence. John Merryman, Professor Emeritus, Stanford Law School and long-time member of IFAR's Law Advisory Council, will be a keynote speaker.

Catalogues raisonnés, a subject much in the news today and very much in need of open and honest discussion, are becoming an increasing focus of IFAR. They relate directly to IFAR's authentication activities. IFAR is becoming a repository of information on catalogues raisonnés, for which it draws on 30 years experience and interest in the subject. To cite just one immediate project: IFAR is prepar-



IFAR Evening, November 1999: Copying Chinese Paintings: Forgery or Flattery?, a talk by H. Christopher Luce.

IFAR Evening, November 1998: Authenticating Egon Schiele, a talk by Jane Kallir.



IFAR Evening, December 1998: The Jacob Lawrence Catalogue Raisonné Project, a talk by Peter Nesbett.

IFAR Evening, October 1999: Art, Law, and Ethics: Theory and Practice, a talk by Kirk Varnedoe.

IFAR Evening, May 1999: Panel on The IRS, Art, and You.

IFAR Evening, June 1999: Panel on The How, Why, and What of Art Insurance.

ing an index to all the catalogues raisonnés in print, as well as those underway.

IFAR also plans to expand its educational activities, including its website, and hopes soon to be able to take its programs "on the road." The Authentication Service will remain an important activity, as will IFAR's long-standing interest in working against fraud. In short, IFAR's future is as bright as its past, and its next 30 years will be as meaningful to the art community as, we hope you will agree, the past 30 have already been.

. . .

CONGRATULATIONS IFAR

JOHN B. KOEGEL

KOEGEL & ROSENTHAL LLP
161 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10013-1205

(212) 255-7744
TELECOPIER (212) 337-1103
KRLLP@CONCENTRIC.NET

THE IFAR GALLERY

HIGHLIGHTS FROM 30 YEARS

The Top Ten Unsolved Thefts

THE GHENT ALTARPIECE: JUST JUDGES PANEL

Van Eyck, Hubert (Flemish, c. 1385–1426) and Jan (c. 1395–1441). *Just Judges* panel of *The Mystical Lamb Altarpiece* in Ghent, Belgium. Oil on panel. c. 1423–32.

Stolen in 1934, the *Just Judges* panel is part of the twelve-panel Ghent altarpiece painted by Hubert van Eyck and completed by his younger brother, Jan. It is one of the most famous works in the history of art. In 1941, the stolen panel was replaced by a copy that was based on old photographs.

MONTREAL MUSEUM OF FINE ARTS

Harmensz van Rijn Rembrandt (Dutch, 1606–69). *Landscape with Cottages*, 1654. Oil in panel. 25.5 x 39.5 cm.

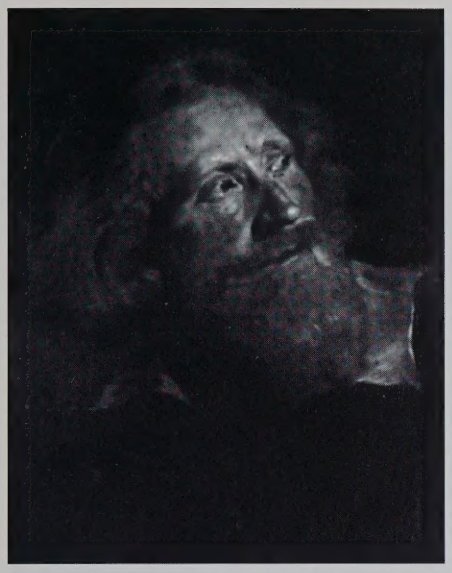
This Rembrandt is the most important of 18 paintings (plus jewelry) stolen on September 4, 1972, when masked thieves, armed with sawed-off shotguns, broke into the museum through the skylight, slid down a rope, and bound and gagged the guards. One painting was later recovered through negotiations with the thieves. Among the missing works are paintings by Corot and Breughel.

CZARTORYSKI RAPHAEL

Raphael (1483–1520). *Portrait of a Young Man.* Oil on panel. 75 x 59 cm. L94.1632. Formerly in the collection of the Czartoryski Museum near Cracow, Poland.

This work, one of many masterpieces belonging to the famous Polish Czartoryski collection, was presumably taken to Germany by Hans Frank, Governor General of the South Central Region of Poland, toward the end of World War II, in March, 1945. When American forces arrested Frank, nine other masterpieces were recovered, but this portrait was not among them.

NOTE: ALR catalogue numbers, where available, accompany each item.



THE BEIT THEFT

Peter Paul Rubens (Flemish, 1577–1640). *Portrait of Erycius Puteanus*, c. 1615–30. Oil on panel. 52.1 x 41.9 cm. Crack in center of panel. *86.200.10. Stolen from the Beit Mansion.

On May 21, 1986, thieves stole eighteen paintings from Russborough, Sir Alfred Beit's mansion in Blessington, Ireland. Seven of the least valuable paintings, apparently discarded, were recovered within hours of the theft. Others were recovered later. Three are still missing, including this portrait by Rubens.

Incredibly, most of the stolen pictures had been among nineteen works taken from the Beit mansion in a previous theft for ransom in 1974 carried out by members of the Irish Republican Army. In that instance, police recovered the paintings just eight days later. An alarm system, installed at Russborough after the 1974 theft, was triggered in the 1986 burglary, but the thieves apparently hid when the police arrived and finished the job after the police left.

. . .

Congratulations

to a unique organization
for thirty years of
searching for the truth

Vivian and David Campbell

The Top Ten Unsolved Thefts

CARAVAGGIO NATIVITY

Michelangelo Merisi da Caravaggio (Italian, 1573–1610), *Nativity with Saints Francis and Lawrence*, 1609.

The fate of this altarpiece, stolen in October 1969 from the Oratory of San Lorenzo in Palermo, Sicily, has been in question ever since a Mafia turncoat witness, Marino Mannoia, at the 1996 trial of Italy's former Prime Minister, Giulio Andreotti, reported that it had been destroyed at the hands of Mafiosi. Art experts, however, doubted his story. Alternate reports listed the work as destroyed in an earthquake in November 1980, an account described by Peter Watson in his book *The Caravaggio Conspiracy*.

. . .

THE COLNAGHI THEFT: STILL THE LARGEST ART HEIST IN NEW YORK HISTORY

Pacino Da Bonaguida (Italian, c. 1303–39). *Saint James the Greater.* Tempera on panel. 61 x 35.3 cm. *88.22.4. *Still missing.*

On February 8, 1988, thieves made off with 28 paintings from Colnaghi's New York gallery, including two wood panels by Fra Angelico, a Chardin still life, and twenty-five other 15th and 16th century Dutch and Italian old master paintings and drawings. The thieves made an acrobatic entrance through an unalarmed skylight. In leaving, they tripped an alarm. With a total value of $6–8,000,000, the theft was the largest ever in North America until the Gardner Museum theft in 1990. Media coverage of the burglary alerted the thieves to the value of the stolen works. Realizing the art was too hot to sell, the thieves raised a loan on some of the works, pawned them for about $50,000, and fled the country. Working with an informant, NYPD's Safe, Loft, and Truck squad recovered fourteen of the works two months later. Fourteen others are still missing.

Congratulations to IFAR
On
Thirty Years of Service
to the Art Community

THE ART LOSS ■ REGISTER, INC.

NEW YORK OFFICE
666 Fifth Avenue, 21st floor
New York, NY 10103
Ph: (212) 262-4831
Fax: (212) 262-4838

LONDON OFFICE
12 Grosvenor Place
London SW1X 7HH
Ph: (44) 171-235-3393
Fax: (44) 171-235-1652

Helping the Victims of Art Theft

THE SCHIRN KUNSTHALLE

Joseph Mallord William Turner (English, 1775–1851). ***Shade and Darkness—Evening of the Deluge,*** Oil on canvas, 78.5 x 78.5 cm and ***Light and Colour—the Morning After the Deluge,* 1843.** Oil on canvas. 78.7 x 78.1 cm. *L94.979.1.

Caspar David Friedrich (German, 1774–1840). ***Nebelschwaden,*** 1820. Oil on canvas. 32.5 x 42.4 cm. *L94.997.1.

On the night of July 28, 1994, two German-speaking thieves restrained a night watchman and took these three paintings from Frankfurt's Schirn Kunsthalle where they were on loan as part of a temporary exhibition, "Goethe and the Visual Arts." The three works were insured for a total of $40 million. The two Turners are part of the Tate Gallery Turner bequest. After the theft, the exhibit remained on view as originally scheduled, but minus the three works.

LONGLEAT HOUSE

Titian (Tiziano Vecellio) (Italian [Venice], 1490–1576). ***Rest on the Flight into Egypt,*** c. 1510. Oil on canvas. 18.0 x 24.0 in.*L95.80.1. *Reward.*

On the night of January 6, 1995, thieves burglarized Longleat House in Wiltshire, England—home of the Marquess of Bath—and made off with three paintings: this early Titian, a portrait of Eleanor of Austria from the circle of Joos van Cleve, and the *Personification of Justice* by Veronese. The Titian, removed from its frame in the State Drawing Room, had been linked to an alarm system that alerted the police, who arrived just two minutes later to find the thieves and their booty gone. The insurance company has a reward of up to £100,000 for information leading to the safe recovery of the three paintings. The Titian alone was valued at £5 million.

THE LOUVRE COROT

Jean Baptiste Camille Corot (French, 1796–1875). ***Le Chemin de Sèvres.*** Oil on canvas. 34 x 49 cm. Signed l/r. The inventory number "RF 1352" is stenciled on the back of the canvas.

This painting, listed as part of the French national heritage and belonging to the Louvre since 1902, was stolen on Sunday, May 3, 1998. Although more than 20,000 people were in the museum at the time, the thief cut the work from its frame and escaped undetected.

THE GARDNER MUSEUM THEFT

This remains the most significant art theft in U.S. history and one of the most valuable ever. On the night following St. Patrick's Day, March 18, 1990, two men dressed as policemen entered through the back door of the Gardner Museum in Boston, bound the two night guards, disabled the security system, removed the video surveillance film, and stole eleven paintings and drawings and one Chinese bronze beaker. In current dollars, the estimated value of the stolen works is $200–300 million. It could have been higher. Although the cache included a rare Vermeer and a Rembrandt seascape, the thieves left hanging the Museum's renowned Italian paintings, including a Botticelli and a Titian.

The Museum has offered a $5 million reward for the recovery of the works, which were not insured. None of the many leads so far has panned out. In 1997, two criminals, William P. Youngsworth III and Myles J. Connor, Jr., in prison on unrelated charges, claimed that they could arrange for the return of the items. The *quid pro quo* was the $5 million reward, immunity from prosecution, and release from prison. But although they led a *Boston Globe* reporter to a warehouse where he was shown the "Rembrandt" by flashlight, negotiations fell through when their story could not be corroborated. The microscopic paint chips Youngsworth and Connor sent, supposedly taken from Rembrandt's *Storm on the Sea of Galilee*, did not match with the FBI's samples from the painting, found on the stretcher from which the painting was torn during the theft. The FBI has told IFAR that it is willing to "listen," but needs more concrete evidence that the two men can deliver.

Edouard Manet (1832–83). ***Chez Tortoni.*** Oil on canvas. 26.0 x 34.0 cm. *90.220.6.

Harmensz van Rijn Rembrandt, (Dutch, 1606–69). ***The Storm on the Sea of Galilee.*** Oil on canvas. 161.7 x 129.8 cm. Inscribed on the rudder: Rembrant [sic] f::/1633. Cut from the stretcher. *90.220.3.

Harmensz van Rijn Rembrandt, (Dutch, 1606–69). ***A Lady and Gentleman in Black.*** Oil on canvas. 131.6 x 109.0 cm. Inscribed at the foot: Rembrandt. Ft: 1633. Cut from the stretcher. *90.220.2.

Jan Vermeer (Dutch, 1632–75). ***The Concert.*** Oil on canvas. 72.5 x 64.7 cm. *90.220.1.

Govaert Flinck, (Dutch, 1615/16–60). ***Landscape with an Obelisk.*** Oil on oak panel. 54.5 x 71.0 cm. Inscribed faintly in l/r: R. 16.8. Originally attributed to Rembrandt. *90.220.5.

Harmensz van Rijn Rembrandt, (Dutch, 1606–69). ***Self-Portrait,*** ca. 1634. Etching. 4.4 x 5.1 cm. Bartsch no. 2. Rovinski no. 2. Hind no. 57. *90.220.4.

Shang dynasty. Chinese bronze beaker or Ku. Ht. 26.7 Diam. 15.5 cm. Wt. 2 lbs. 7 oz. *90.220.12.

Hilaire Germain Edgar Degas (French, 1834–1917). ***Cortège aux Environs de Florence.*** Pencil and wash on paper. 16.0 x 21.0 cm. *90.220.8. Originally exhibited in a frame with *La Sortie du Pelage.*

Hilaire Germain Edgar Degas (French, 1834–1917). ***Program for an artistic soirée.*** Charcoal on white paper. 24.1 x 30.9 cm. *90.220.10. originally exhibited with a less finished version in the same frame.

Hilaire Germain Edgar Degas (French, 1834–1917). ***Three Mounted Jockeys.*** Black ink, wash, and oil pigments on medium brown paper. 30.5 x 24.0 cm. *90.220.9

Hilaire Germain Edgar Degas (French, 1834–1917). ***La Sortie du Pelage.*** Pencil and watercolor on paper. 10.0 x 16.0 cm. Originally exhibited in a frame with *Cortège aux Environs de Florence.* *90.220.7.

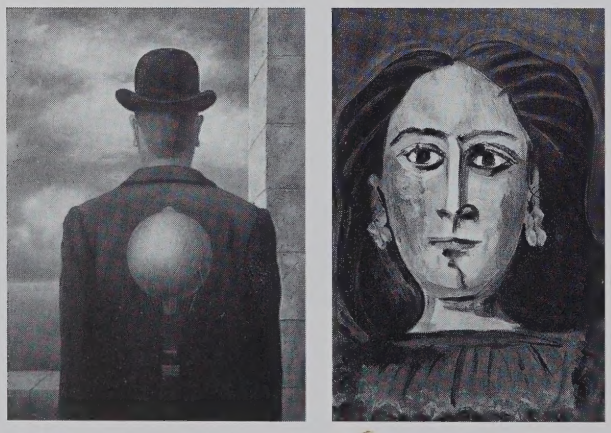
Hilaire Germain Edgar Degas (French, 1834–1917). ***Program for an artistic soirée.*** Charcoal on buff paper. 23.4 x 30.0 cm. *90.220.11. A less finished version of *90.220.10 above.

Top Ten IFAR-Assisted Recoveries

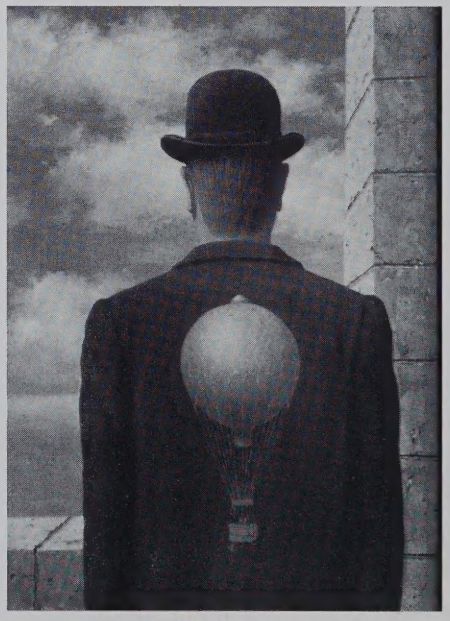
PICASSO AND MAGRITTE STOLEN IN THE 1980S. RECOVERED 1991.

These two paintings were stolen from the New York home of Emily McFadden Staempfli sometime in the 1980s. After her death in 1991, her heirs discovered that both paintings had been replaced by copies. Their insurance company asked IFAR's Authentication Service to examine the works. IFAR also published the thefts in the April 1991 *IFARreports.* Soon after, IFAR received information that the Picasso was being offered by a Chicago owner through a New York dealer. IFAR contacted the dealer and arranged for all parties to meet. On May 30, the day before the scheduled meeting, a Los Angeles art dealer brought the Picasso to Sotheby's and showed it to an expert who recognized the painting as one stolen from the Staempfli home. The expert had seen the work in *IFARreports,* and, coincidentally, had also seen first-hand the fake Picasso and Magritte when he appraised the paintings for the estate. Sotheby's then contacted IFAR, and IFAR called the police. Media coverage of the Picasso recovery apparently encouraged the possessor of the Magritte to turn it in to the Brooklyn District Attorney.

Pablo Picasso (Spanish, 1881–1973). ***Head of a Woman with Golden Earrings,*** 1943. Oil on paper. 50.0 x 32.5 cm. Signed u/r. *91.166.1.



Copies of the authentic paintings stolen in the 1980s. Subsequently examined by IFAR.



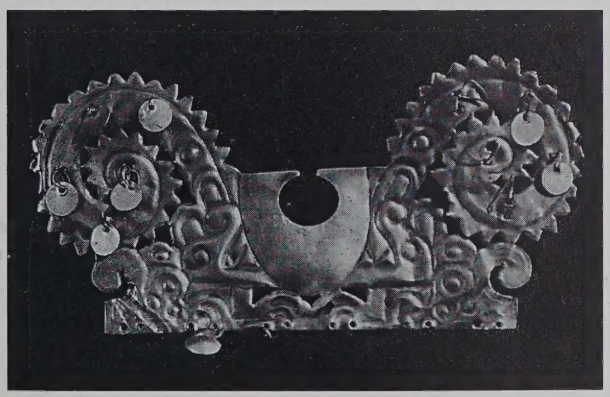
René François Ghislain Magritte (Belgian, 1898–1967). ***Sans Famille,*** 1954. Oil on canvas. 74.9 x 55.2 cm. Signed u/l.

PRE-COLUMBIAN ORNAMENTS
STOLEN 1977. RECOVERED 1979.

Pectoral Plaque. Gold repoussé. Approx diam. 22 cm. *77.382.3.

Nose Ornament. Peruvian, Uicus Gold. 6.5 x 13 cm. *77.382.5.

These two pre-Columbian gold objects were recovered in 1979 along with two necklaces, a figure with headdress, and a tapestry fragment, two years after a private museum in the Midwest had reported them to the Art Theft Archive. A rare book dealer in Chicago had bought them and sold them to a collector. When the dealer and collector noticed the accession numbers on each piece, they became suspicious and contacted the Chicago FBI, which then contacted the Art Theft Archive. IFAR identified them.



REMBRANDT ETCHINGS
STOLEN 1983. RECOVERED 1983

Samuel Manasseh Ben Israel, Jewish Author, 1636. Etching. Marked on verso: 4093. *83.341.3. Stolen from a collection in Syracuse, NY in August 1983

Clement de Jonghe, Printseller, 1651. Etching, drypoint and burin. Support: 20.9 x 16.4 cm., plate: 20.7 x 16.1 cm. I/IV. Watermark: pascal lamb in shield, surmounted by crown, unidentified initials below. *83.333.2. Stolen from the National Gallery of Canada, Ottawa, on October 14, 1983

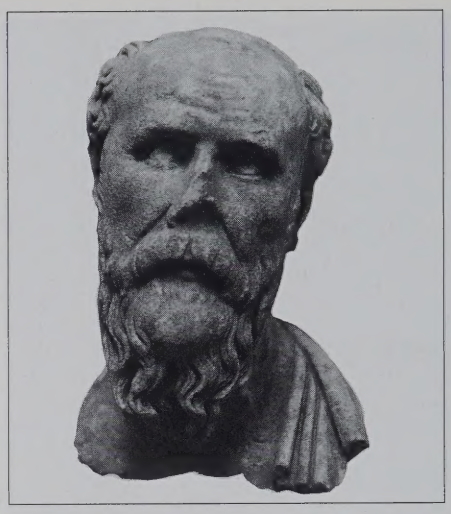
In one of IFAR's finest hours, five Rembrandt etchings, two of which are shown above, were recovered by FBI agents, with IFAR as witness, on November 5, 1983 from a locker in Grand Central Station after IFAR informed the FBI about an anonymous call it had received. Two of the etchings had been stolen from The National Gallery in Canada; the remaining three came from the Syracuse University Library. In Canada, the thief, using the alias Dr. Thomas F. Cruz, had gained access to the collection by telling staff members that he was writing a book on Rembrandt. After Cruz's second visit, a curator noticed that two of the 14 etchings reviewed by him had been replaced by photocopies. Police subsequently learned that Cruz had visited other Rembrandt print collections, including the one in Syracuse, from which three other prints had been taken. Evidently, the caller also contacted the U.P.I. before calling IFAR, because news of the recovery was sent over the wire before it actually happened.

The Top Ten IFAR-Assisted Recoveries

SOCRATES
STOLEN 1984. RECOVERED 1985.

Portrait of Socrates, Type B, late 1st c. A.D. Marble. 35 x 21 cm. Inv. No. 3064. *84.335.3. Tivoli, Italy.

This head, one of three sculptures reported stolen from Hadrian's Villa at Tivoli in March 1984, was recovered in 1985 after the collector (and new member of IFAR) who had just purchased it spotted it in his first issue of IFAR's *Stolen Art Alert*. He immediately notified the dealer, who expressed surprise to find out the piece was stolen, and then brought the sculpture to IFAR for a positive identification. IFAR notified Interpol, who contacted authorities in Rome. IFAR then turned the head over to U.S. Customs.



CONGRATULATIONS IFAR

O'Toole-Ewald Art Associates,Inc.
Appraisers of Fine Art, Antiques and Personal Property Since1932

Specialists in Damage/Loss Analysis and Insurance Fraud Reports for the Fine and Decorative Arts

Elin Lake Ewald, ASA, President
Tel: (212) 989-5151 Fax:(212) 249-1629
Website: www.otoole_ewald.com
e-mail: Otoole_Ewald@compuserve.com
1133 Broadway, Suite 1107, New York, NY 10010

BENIN HEAD
STOLEN 1987. RECOVERED 1990.

Benin (Nigeria), 15th century. *Memorial Head.* Brass. *87.201.7. Jos, Nigeria. January 14, 1987.

In November 1990, two Zurich collectors spotted this head in a local auction catalogue and recognized it as one of the pieces stolen from a Nigerian museum in January 1987. Concerned that under Swiss law, if the auction took place, the buyer would acquire good title, the collectors confided in an American friend, who subsequently contacted IFAR. IFAR alerted the cantonal police specialist for art and antiquities in Zurich. Because Swiss law required a Nigerian museum official to make the identification, IFAR asked the director of the Rietberg Museum in Zurich to intervene. The director knew the cultural personnel at the Nigerian embassy. On December 7, the day before the sale, the head curator of documentation and inventory for the Nigerian National Museums arrived in Zurich and identified the head as the one that had been stolen. It was removed from the sale, taken into police custody, and returned several days later to the Director General of the Nigerian National Commission for Museums and Monuments.

AETERNA ROMA
STOLEN 1985. RECOVERED 1986.

Fragment of a Relief, 2nd c. A.D. Marble. 85 x 42 x 15 cm. Inscribed: AETERNA ROMA. *85.670. Stolen in Pozzuoli, Italy in 1985 while crated for shipment to an exhibition.

In October 1986, Jonathan Rosen, a member of IFAR and an antiquities collector, recognized this relief reported stolen in the April/May 1986 issue of *IFARreports* as the one he had recently purchased from a Swiss dealer, who, in turn, had apparently purchased it in good faith. Rosen turned the work over to IFAR, which presented it to U.S. Customs at a press conference at the Italian consulate in New York. The museum director in Pozzuoli told the Consul General that the relief had decorated a house at a strategic intersection of the ancient port city of Pozzuoli. Art historians have commented that this piece is unusual because its creator was influenced by both Greek and late Republican art.

CONGRATULATIONS

to a little organization
that has done
BIG THINGS
to help *everyone*
in the art world

CONNIE LOWENTHAL

PICASSO *FAUNE*
STOLEN 1970. RECOVERED 1989.

Pablo Picasso (Spanish, 1881–1973). *Faune Jouant (la Diaule)*, 1947. Mixed media on paper mounted on canvas. 64.8 x 50.2 cm. Signed u/l, Picasso 1947. IFAR #*77.321.3.

One of 23 paintings stolen from the Baltimore home of collector Leslie Legum in 1970, this Picasso appeared on the cover of IFAR's first theft publication. In January 1989, a New York gallery purchased the painting and checked with IFAR to determine if the work had ever been reported stolen. It was identified and returned to its original owner.

RUBENS *AURORA*
STOLEN 1985. RECOVERED 1991.

Peter Paul Rubens (Flemish, 1577–1639). *Aurora*, ca. 1635. Oil on panel. 26.0 x 17.0 cm. *86.322.1.

In a sting operation on May 6, 1991, Miami Customs recovered this small oil sketch, stolen from the Museo de Bellas Artes in La Coruña, Spain in September 1985. Both the FBI and Customs had checked with IFAR to find out if the painting had been listed as stolen. As part of the sting, Charles Scribner III, a Rubens scholar, posed as the expert who confirmed that the picture offered to the "buyer" for $3.5 million was authentic. Scholars disagree as to whether the woman represents Aurora or Psyche.

MIDDLE AMERICAN RESEARCH INSTITUTE BOWLS
STOLEN 1980. RECOVERED 1980.

Ulua Valley Near Travesia (Honduras, Central America, 750–1000 AD). Bowl with two handles. White or off-white marble onyx. H. 12 cm. Diam 19.5 cm. *80.237.1.

Stolen along with two other off-white onyx bowls between July 31 and August 11, 1980.

In August 1980, the Middle American Research Institute at Tulane University reported the theft of these bowls—three of the finest known examples of Middle American art—to IFAR. Because the thieves bypassed other pieces in the collection, the museum believed these had been stolen on request for a private collector. In addition to publishing the bowls in the *Stolen Art Alert*, IFAR circulated theft notices to dealers, museums, and scholars with an interest in antiquities and Pre-Columbian art. In December 1980, two men offered to sell the bowls to a Los Angeles gallery owner, who recognized them from the IFAR flyer and called IFAR. The FBI recovered the bowls the next day.

PISSARRO
STOLEN 1978. RECOVERED 1998.

Camille Pissarro (French, 1830–1903). *Bassins Duquesne et Berrigny à Dieppe, Temps Gris*, 1902.

One of several works stolen in June 1978 from the home of Mr. & Mrs. Robert Stoddard in Worcester, MA, this Pissarro port scene was recently recovered when it was consigned to auction in Cleveland. Several individuals, including New York dealer William Beadleston, Joachim Pissarro, the artist's great grandson, and Jim Welu, director of the Worcester Art Museum, spotted the painting on the cover of an October 24, 1998 sale catalogue. They all contacted IFAR's Dr. Sharon Flescher, who contacted the FBI after checking with the Art Loss Register. Two days before the scheduled sale, the FBI seized the painting. Mrs. Stoddard's claim to the painting was contested by the two consignors, but she produced photos and documents that asserted her ownership and the case was settled out of court. As per Helen Stoddard's wishes, the Worcester Art Museum acquired the painting. None of the other paintings stolen from the Stoddard home have surfaced.

. . .

Congratulations to
IFAR on their
30th Anniversary

Did you want a
Monet or a Manet?

There's an insurance company with underwriters so knowledgeable they can help you to secure against unanticipated events, freeing you to focus on the artful things you do best.

For more information call Dorit Straus at 212 642-7852.

ACE USA: Art Culture & Entertainment.
One of the ACE Group of Insurance & Reinsurance Companies.
Fine art collection coverage. Musical instrument insurance.
Event cancellation. Prize indemnification.

www.ace-ina.com

Setting your future free℠ ace usa

Other Theft and Recovery Highlights from the Pages of IFAR

MUSÉE MARMOTTAN MONET
STOLEN 1985. RECOVERED 1990.

Claude Monet (French, 1840–1926). *Impression, Sunrise.* Oil on canvas. 48 x 63 cm. Signed and dated 1872 in l/l. *85.585.3.

The painting, credited with giving the Impressionist movement its name, is the most important of nine paintings stolen from the Musée Marmottan, Paris, on October 27, 1985. The daring theft took place during museum hours as five thieves held museum guards and forty visitors at gunpoint. In December 1990, after five years of investigative work, French police recovered all nine paintings from an empty apartment in Corsica's Porte Vecchio.

THE SCREAM
STOLEN FEBRUARY 1994. RECOVERED MAY 1994.

Edvard Munch (Norwegian, 1863–1944). *The Scream,* 1893. Tempera and pastel on board. 91.0 x 73.5 cm. Signed l/l: E. Munch 1893. *L94.243.1.

On the morning of February 12, 1994, two thieves climbed a ladder up a side of the National Gallery in Oslo, broke through a window, and cut *The Scream* from the wire which fastened it to a wall. The theft took less than one minute, and the thieves fled by car, leaving behind a note that read "Thanks for the poor security." Earlier in the week, a similar break-in had been attempted at the nearby Munch Museum but was thwarted by a thick glass window. Shortly after the theft, an anti-abortion activist suggested that the painting might be recovered if Norway's state-owned television station, N.R.K., would broadcast the anti-abortion film "The Silent Scream," but N.R.K. refused. In early March, a lawyer with a history of representing anti-abortion activists claimed to represent a client who could produce the painting and relayed a ransom demand of $1.1 million. The museum refused, saying the price was too high and the deadline too tight. Instead, the museum offered a reward of $26,000 for return of the painting. On May 7, Norwegian police acting in tandem with New Scotland Yard detectives recovered the painting in a sting operation at a seaside resort 55 miles south of Oslo.

RIJKSMUSEUM VAN GOGHS
STOLEN AND RECOVERED APRIL 14, 1991.

Vincent van Gogh (Dutch, 1853–90). *The Potato Eaters*, 1885. Oil on canvas. 82.6 x 115.5 cm.

Early on the morning of April 14, 1991, thieves stole twenty paintings by van Gogh from the Rijksmuseum in Amsterdam. Included was this final version of *The Potato Eaters*, van Gogh's most important painting from his early Nuenen period. One of van Gogh's last paintings, *Wheatfield with Crows*, 1890, was also stolen. Within the hour, police found the paintings, some badly damaged, in the abandoned getaway car.

ESTERHAZY MADONNA
STOLEN 1983. RECOVERED 1983.

Raphael (Italian, 1483–1520). *Esterhazy Madonna*, ca. 1508. Oil on panel. 28.5 x 21.5 cm. Inv. No. 71. Stamp of Esterhazy Family on back of painting. *83.489.1.

This painting, once owned by the aristocratic Esterhazy family of the Austro-Hungarian Empire, was one of several masterpieces stolen in November 1983 from Budapest's Museum of Fine Arts. Aided by a scaffold erected for the renovation of the building, thieves entered through a third floor gallery window and took paintings by Raphael, Tiepolo, and Tintoretto, among others. Within months, Italian police had recovered five of the paintings, including this one, in an abandoned suitcase at a monastery near Athens, Greece and a sixth painting in Hungary. Although the theft was reportedly commissioned by a Greek industrialist, one thief named an olive oil producer as the man to whom he had delivered the paintings.

ART INSTITUTE OF CHICAGO CÉZANNES
STOLEN 1978. RECOVERED 1979.

Paul Cézanne (French, 1829–1906). *Mme Cézanne in a Yellow Armchair*, 1893–5. oil on canvas. 80 x 63.5 cm. *78.214.1. Chicago, IL December 27, 1978.

This portrait of the artist's wife, Hortense, was one of three masterpieces by Cézanne stolen from the Art Institute of Chicago in December 1978 in what turned out to be an inside theft. The paintings were recovered in May 1979 after a former shipping clerk at the museum sought to collect a reward from the museum for return of the stolen works.

Other Theft and Recovery Highlights

COURTAULD INSTITUTE BRUEGEL
STOLEN 1982. RECOVERED 1990.

Pieter Bruegel, the Elder (Flemish, 1525/30–69). *Christ and the Woman Taken in Adultery*, 1565. Oil on panel. 2.1 x 34.4 cm. Signed and dated l/l: Brvegel M.D.LXV. Inscribed: Die Sonder Sondis/die. *82.20.

This Flemish masterpiece, originally from the Princes Gate Collection, was stolen from London's Courtauld Institute in February 1982. Eight years later, New Scotland Yard's Art and Antique Squad recovered the painting in an elaborate sting operation.

. . .

CONGRATULATIONS

from

One Original

to

Another

ROSENTHAL BUSINESSCREDIT

1370 Broadway, New York, NY 10018 • www.rosenthalinc.com

The International Foundation for Art Research (IFAR), established in 1969, is a 501 (c)(3) not-for-profit educational organization concerned with art authentication and ownership, art and cultural property law, ethics, and connoisseurship. IFAR works to prevent the circulation of forged, mis-attributed, and misappropriated art. We publish the quarterly *IFAR Journal*, organize symposia and public programs, offer an Art Authentication Service, provide a forum for debate, and serve as an information resource. We invite you to join our organization and help support our activities.

Invitation to Join and Support IFAR

SUBSCRIBER $65
One-year subscription to *IFAR Journal*, notice of events. Overseas subscribers please add $20 for mailing costs.

ASSOCIATE (ACTIVE SUBSCRIBER) $100
One-year subscription to *IFAR Journal* and one complimentary admission to an IFAR evening.

MEMBERSHIP
All membership contributions are tax-deductible to the extent permitted by law.

Member:	Individual $250	Corporate $1,000
Sustainer:	Individual $500	Corporate $2,500
Patron:	Individual $1,000	Corporate $5,000
Conservator:	Individual $2,500	Corporate $7,500
Benefactor:	Individual $5,000	Corporate $10,000

Please make checks payable to IFAR

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

_____

TELEPHONE _____

International Foundation For Art Research, 500 Fifth Avenue, Suite 1234, New York, NY 10110

Art Theft Archive Newsletter
The Case For Notoriety
Stolen Art Alert
Art Research News
Volume 1 Number 2 / 1981
Art Research News is the quarterly membership publication of the International Foundation for Art Research
International Protection of Cultural Property
IFARreports
Volume 12, Number 4
April 1993
INDEX OF STOLEN ART
1977
INTERNATIONAL FOUNDATION FOR ART RESEARCH
Art Theft:
its scope, its impact, and its control
by Bonnie Burnham
IFAR Journal
INTERNATIONAL FOUNDATION FOR ART RESEARCH
VOLUME 2 NUMBER 2 SPRING 1999
ANTIQUITIES UPDATES:
GETTY RETURNS THREE OBJECTS TO ITALY
DISPUTED COINS GO TO TURKEY
COLUMBIA CONFERENCE: WHO OWNS CULTURE?
DEGAS' LITTLE DANCER: WHAT TECHNICAL ANALYSIS TELLS US
WORLD WAR II TROPHY ART: A PERSPECTIVE
INCORPORATING Stolen Art Alert